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GENERAL ASSEMBLY
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PROGRAMMES AND ACTIVITIES TO PROMOTE PEACE IN THE WORLD
COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN EMERGENCY ASSISTANCE OF THE UNITED NATIONS
INTERNATIONAL ASSISTANCE FOR THE ECONOMIC REHABILITATION OF ANGOLA
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Forty-eighth year

Letter dated 23 December 1993 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as the representative of the Facilitator in the negotiations between the Government of the Rwandese Republic and the Rwandese Patriotic Front, to transmit herewith the documents listed below,* which together constitute the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front (see annex) and to request that they be circulated as an official document of the General Assembly, under agenda items 23, 43, 44, 101 and 114, and of the Security Council.

(a) Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993;

(b) The N'Sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite on 16 September 1991 and at Arusha on 12 July 1992;

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* Circulated in the original languages of submission only (English and French).

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(c) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at Arusha on 18 August 1992;

(d) Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at Arusha on 30 October 1992 and 9 January 1993, respectively;

(e) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993;

(f) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties, signed at Arusha on 3 August 1993;

(g) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions, signed at Arusha on 3 August 1993.

(Signed) A. B. NYAKYI
Ambassador

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ANNEX I

PEACE AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF RWANDA
AND
THE RWANDESE PATRIOTIC FRONT

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Firmly resolved to find a political negotiated solution to the war situation confronting the Rwandese people since 1st October, 1990;

Considering and appreciating the efforts deployed by the countries of the Sub-region with a view to helping the Rwandese people to recover peace;

Referring to the numerous high-level meetings held respectively at Mwanza United Republic of Tanzania, on 17th October, 1990, in Gbadolite, Republic o Zaire, on 26th October, 1990, in Goma, Republic of Zaire, on 20th November, 1990 in Zanzibar, United Republic of Tanzania, on 17th February, 1991, in Dar-es-Salaam, United Republic of Tanzania, on 19th February, 1991and from 5th to 7th March, 1993;

Considering that all these meetings aimed first and foremost at establishing a ceasefire so as to enable the two parties to look for a solution to the war through direct negotiations;

Noting the N'SELE Ceasefire Agreement, of 29th March, 1991 as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992;

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Reaffirming their unwavering determination to respect principles underlying th Rule of Law which include democracy, national unity, pluralism, the respect o fundamental freedoms and rights of the individual;

Considering that these principles constitute the basis and consistency of a lastin peace awaited by the Rwandese people for the benefit of the present and futur generations;

Noting the Protocol of Agreement on the Rule of Law signed at Arusha on 18th August, 1992;

Considering that the two parties accepted the principle of power-sharing withi the framework of a Broad-Based Transitional Government;

Noting the Protocols of Agreement on Power-Sharing signed at ARUSHA respectively on 30th October, 1992, and on 9th January, 1993;

Considering that the conflictual situation between the two parties can only b brought to an end through the formation of one and single National Army and a new National Gendarmerie from forces of the two warring parties;

Noting of the Protocol of Agreement on the integration of Armed Forces of both Parties, signed at Arusha on 3rd August, 1993;

Recognizing that the unity of the Rwandese people cannot be achieved until a definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to their country is an inalienable right and constitutes a factor for peace and national unity and reconciliation;

Noting the Protocol of Agreement on the repatriation of Rwandese refugees and the Resettlement of Displaced Persons, signed at ARUSHA on 9th June, 1993;

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Resolved to eradicate and put a definite end to all the root causes which gave rise to the war ;

Have, at the conclusion of the Peace Talks held in Arusha, United Republic of Tanzania, between 10th July, 1992 and 24th June, 1993 as well as Kinihira, Republic of Rwanda from 19th to 25th July, 1993 under the aegis of the Facilitator, His Excellency Ali Hassan MWINYI, President of the United Republic of Tanzania, in the presence of the Representative of the Mediator, His Excellency, MOBUTU SESE SEKO, President of the Republic of Zaire as well as Representatives of the Current Chairmen of the OAU, His Excellency Abdou DIOUF, President of the Republic of Senegal, and Hosni MUBARAK, President of the Arab Republic of Egypt, the Secretary General of the OAU, Dr. Salim Ahmed SALIM, the Secretary General of the United Nations, Dr. Boutros Boutros GHALI and Observers representing the Federal Republic of Germany, Belgium, Burundi, the United States of America, France, Nigeria, Uganda and Zimbabwe;

Calling the International Community to witness;

Hereby agree on the following provisions.

__Article 1:__ The war between the Government of the Republic of Rwanda and the Rwandese Patriotic Front is hereby brought to an end.

__Article 2:__ The following documents are an integral part of the present Peace Agreement concluded between the Government of the Republic of Rwanda and the Rwandese Patriotic Front:

I. The N'SELE Ceasefire Agreement of 29th March, 1991 between the Government of the Republic of Rwanda and the Rwandese Patriotic Front , as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992;

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II. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at ARUSHA on 18th September, 1992;

III. The Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at ARUSHA respectively on 30th October, 1992 and on 9th January, 1993;

IV. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9th June, 1993;

V. The Protocol Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the integration of Armed Forces of the two parties, signed at ARUSHA on, 3rd August, 1993;

VI. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions signed at Arusha on 3rd August, 1993.

These entire documents are attached as Annex.

Article 3: The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law that shall govern the Country during the Transition period, taking into account the following provisions:

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1. The following articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters. The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77 paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88 paragaph 1, 90, 96, 99, 101.

2. In case of conflict between the other provisions of the Constitution and those of the Peace Agreement, the provisions of the Peace Agreement shall prevail.

3. The Constitutional Court shall verify the conformity of Laws and Orders in Council with the Fundamental Law thus defined. Pending the enactment of the law on the Supreme Court, the existing Constitutional Court shall remain composed of both the Court of Cassation and the State of Council. The Presiding Judge of the Constitutional Court shall assume the presidency.

Article 4: In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

Article 5: The Government of the Republic of Rwanda and the Rwandese Patriotic Front undertake to make every possible effort to ensure that the present Peace Agreement is respected and implemented.

They further undertake to spare no effort to promote National Unity and Reconciliation.

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Article 6: The two parties agree on the appointment of Mr. TWAGIRAMUNGU Faustin as Prime Minister of the Broad-Based Transitional Government, in accordance with Articles 6 and 51 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the framework of a Broad-Based Transitional Government.

Article 7: The Transitional Institutions shall be set up within thirty seven (37) days following the signing of the Peace Agreement.

Article 8: The current Government shall remain in Office until the Broad-Based Transitional Government is established. The maintenance of that Government does not mean that it can encroach on the mandate of th Broad-Based Transitional Government being established.

The current Government shall, in no case, take decisions which may b detrimental to the implementation of the Broad-Based Transitional programme.

Article 9: The "Conseil National de Developpment" (CND) shall remain in Office unti the Transitional National Assembly is established. However, as from th date of signing the Peace Agreement, it shall not enact laws.

Article 10: The present Peace Agreement is signed by the President of the Republic o Rwanda and the Chairman of the Rwandese Patriotic Front, in the presenc of:

- The Facilitator, His Excellency, Ali Hassan MWINYI, President of the United Republic of Tanzania,
- His Excellency, Yoweri Kaguta MUSEVENI, President of the Republi of Uganda; Observer country;

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- His Excellency Melchior NDADAYE, President of of the Republic of Burundi, Observer country;
- The Representative of the Mediator, His Excellency Faustin BIRINDWA, Prime Minister of Zaire;
- Dr. Salim Ahmed SALIM, Secretary General of the OAU;
- The Repesentative of the Secretary General of the United Nations;
- The Representative of the Current Chairman of the OAU;
- The Representatives of other Observer countries: Germany, Belgium, United States of America, France, Nigeria and Zimbabwe;
- The delegations of the two parties.

Article 11: The present Peace Agreement shall come into force upon its signing by the parties.

Done at Arusha, on the 4th day of the month of August, 1993 both in French and English languages, the original text being in French.

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HABYARIMANA Juvenal
Major -General

President of the Republic of Rwanda

KANYARENGWE Alexis
Colonel

Chairman of the Rwandese Patriotic Front

In the presence of the Facilitator
Ali Hassan MWINYI

A. Hassan

President of the United Republic of Tanzania

In the presence of the Representative of the Secretary General of the United Nations

V. Petrovsky

Mr. Vladmir PETROVSKY
Under-Secretary General
Director General of the United Nations
Office at Geneva

In the presence of the Secretary General of the OAU

Dr. Salim Ahmed SALIM

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ANNEX II

THE N'SELE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE RWANDESE REPUBLIC AND THE RWANDESE PATRIOTIC FRONT, AS AMENDED AT GBADOLITE, 16 SEPTEMBER 1991, AND AT ARUSHA, 12 JULY 1992

We, the representatives of the Government of the Rwandese Republic and of the Rwandese Patriotic Front;

Mindful of the unfortunate incidents that have occurred between the Rwandese and have affected peace and public order in the country;

Referring to the Communiques issued by the Heads of State of the Region, meeting in Mwanza (Tanzania) on 17 October 1990, in Gbadolite (Zaire) on 26 October 1990 and in Goma (Zaire) on 20 November 1990; considering that all these Summmit meetings specifically emphasized the prior need for a ceasefire;

Considering the acceptance of the ceasefire in principle by President Juvenal HABYARIMANA in Zanzibar on 17 February 1991 following his meeting with Presidents Yoweri MUSEVENI of Uganda and Ali Hassan MWINYI of Tanzania;

Mindful of the fact that Presidents Pierre BUYOYA of Burundi, Juvenal HABYARIMANA of Rwanda, Ali Hassan MWINYI of Tanzania, Yoweri MUSEVENI of Uganda and Prime Minister Lunda BULULU of Zaire, assisted by the Secretary-General of the OAU and a

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delegate of the UN High Commission for Refugees adopted the Dar-Es-Salaam Declaration of 19 February 1991 mandating President Mobutu SESE SEKO of Zaire to take urgent and immediate steps to usher in dialogue which should culminate in a formal ceasefire agreement between the Government of Rwanda and the Rwandese Partiotic Front;

Mindful of the fact that the ceasefire should facilitate the establishment of negotiations between the Rwandese Government and the Rwandese Patriotic Front aimed at national reconciliation and restoration of lasting peace;

Considering that the two Parties reaffirmed their political will during their meeting in Paris from 6th to 8th June 1992 to find through negotiations a solution to the current conflict as well as related problems;

Considering that both parties are committed to conduct direct negotiations;

Mindful of the fact that both parties reaffirmed the validity of the ceasefire agreement signed at N'sele on 29th March 1991 and as amended on 16th September 1991 in Gbadolite subject to up-dating the agreement by making necessary amendments;

Have on this 12th day of July 1992, agreed on and accepted the following provisions with respect to the ceasefire:

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ARTICLE I

1. A cease-fire is hereby established throughout the territory of the Republic of Rwanda, between the Government Forces and those of the Rwandese Patriotic Front. The cease-fire shall enter into force at midnight (Rwanda time) on 31st July 1992 at the same time as the deployment of the Neutral Military Observer Group.

2. The entry into force of the cease-fire shall be preceded by a truce, that is, the cessation of fighting, which shall enter into force at midnight (Rwanda time) on 19th July 1992.

3. The present Cease-fire Agreement is the first stage of a peace process which shall culminate in a Peace Agreement to be signed at the conclusion of the political negotiations.

ARTICLE II

The cease-fire shall imply:

1. The cessation of all hostilities for the purpose of dialogue and serious negotiations between the two parties under the auspices of the Mediator or a Facilitator;

2. The suspension of supplies of ammunition and weaponry to the field;

3. The supply of non-lethal logistical needs to the military forces in the field;

4. The release of all prisoners-of-war; the effective release of all persons arrested because and as a result of this war within five days following the entry into force of the Cease-fire Agreement;

5. The possibility of recovering the remains of the dead;

6. The withdrawal of all foreign troops after the effective deployment of the Neutral Military Observer Group (NMOG) except for Military Officers serving in Rwanda under bilateral Cooperation Agreements;

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7. A ban on infiltration of troops and on the conveyance of troops and war material to the area occupied by each party;

8. A ban on any mine-laying operations or the hindering of operations to remove the mines;

9. The establishment of the Neutral Corridor separating the areas occupied by the two respective forces. This corridor meant to facilitate the monitoring of the cease-fire by the Neutral Military Observer Group shall be determined in consideration of the front-lines of both armies. The demarcation on the field shall be established by the representatives of the two armies in the presence of the Neutral Military Observer Group.

ARTICLE III

1. The verification and control of the cease-fire shall be conducted by the neutral military observer group under the supervision of the Secretary-General of OAU;

2. The Neutral Military Observer Group shall be composed of:

10 Officers from Nigeria;

10 Officers from Senegal;

10 Officers from Zimbabwe;

10 Officers from an African country to be chosen by the current Chairman of the OAU in collaboration with the President of the United Republic of Tanzania;

5 Officers from the Government of Rwanda;

5 Officers from the Rwandese Patriotic Front;

3. The Neutral Military Observer Group shall report any violation of the cease-fire to the Secretary-General of OAU and a joint political military commission;

4. The Neutral Military Observer Group shall set up the organs and machinery required for the control and verification of the cease-fire. It shall draft its own rules of procedure. It shall enjoy a status that would enable it to perform its mission as provided in the Cease-fire Agreement; including privileges and immunities enjoyed by the OAU personnel as enshrined in the general agreement;

5. The Neutral Military Observer Group shall have full communication and other equipment it deems necessary to perform its mission. The NMOG officers may have specific uniforms with insignia for easy identification, and light weapons for self-defence.

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ARTICLE IV

1. A Joint Political Military Commission composed of 5 representatives of the Rwandese Government and 5 of the Rwandese Patriotic Front is established;

2. The OAU and the following countries are invited to participate, as observers, in the Joint Commission: Burundi, United Republic of Tanzania, Uganda, Zaire, Belgium, France and the United States of America;

3. The Joint Commission shall have the following mandate:

- To ensure the follow-up of the implementation of the Cease-fire Agreement;
- To ensure the follow-up of the implementation of the peace Agreement to be signed at the conclusion of the political negotiations;

4. The Joint Commission shall be based at the OAU Headquarters in Addis Ababa, Ethiopia. The Commission's Headquarters may be moved upon agreement by both parties;

5. The Joint Commission shall hold its inaugural meeting not later than 26th July 1992.

ARTICLE V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations.

1. Establishment of the rule of law, that is, based namely on national unity, democracy, pluralism, and respect for human rights;
2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front;
3. Establishment of power-sharing within the framework of a broad-based transitional government.

ARTICLE VI

The political negotiations culminating in the peace agreement shall proceed pursuant to the following calendar:

1. Commencement of the political negotiations: 10th August 1992;

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2. Completion of the political negotiations and signing of the peace agreement: not later than 10 October 1992;

3. Completion of the implementation of the mechanisms and conclusions agreed upon pursuant to the peace Agreement: not later than 10 January 1993.

ARTICLE VII

In the present Agreement:

1. "Cease-fire" shall mean the cessation of all hostilities between the forces of the Government of the Rwandese Republic and those of the Rwandese Patriotic Front (RPF) throughout the national territory of Rwanda.

2. "Cessation of hostilities" shall mean the end of all military operations, all harmful civil operations and denigrating and unfounded propaganda through the mass media.

3. "Violation of the Cease-fire" shall mean the non-observance of one of the points mentioned in article II.

4. "Violation of the Cease-fire Agreement" shall mean the non-observance of any provision of the agreement.

Done in Arusha on 12th July 1992

For the Rwandese Government:	For the Rwandese Patriotic Front:
(Signed) Boniface NGULINZIRA Minister for Foreign Affairs and Cooperation	(Signed) Pasteur BIZIMUNGU Member of the Executive Committee for Information and Documentation

For the Facilitator (the United Republic of Tanzania)

(Signed) Hon. Ahmed Hassan DIRIA (MP)
Minister for Foreign Affairs and
International Cooperation

In the presence of the
Representative of the Secretary-General
of the OAU

(Signed) M. T. MAPURANGA
Assistant Secretary-General in
Charge of Political Affairs

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ANNEX III

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON THE RULE OF LAW

PREAMBLE:

The Government of the Republic of Rwanda and the Rwandese Patriotic Front,

Reaffirming that the Rule of Law, the principle of the establishment of which was agreed upon by the signatories of the present Protocol of Agreement, in accordance with Article V of the N'sele Agreement, as amended in Gbadolite, on the 16th of September, 1991 and in Arusha on the 12th of July, 1992, shall characterize the political life in our country;

Considering that the Rule of Law implies that nobody, including the authorities, is above the law and that the laws must respect the fundamental rights of the citizens;

Reaffirming that the Rule of Law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, and which is first and foremost and fundamentally characterised by justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression;

Convinced that the Rule of Law:

- is the best guarantee of national unity, the respect of the fundamental freedoms and rights of the individual;
- is a concrete manifestation of democracy;

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- hinges on National Unity, Democracy, Pluralism and Respect for human rights;

Have agreed as follows:

CHAPTER I. NATIONAL UNITY

Article 1: National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

Article 2: National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3: National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Article 4: The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.

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CHAPTER II: DEMOCRACY

ARTICLE 5: Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

ARTICLE 6: The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people;
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the judiciary powers;
- independence of the Judiciary;
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of fundamental human rights;
- equality before the law;
- respect of laws and regulations by all;

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- Constitution which respects the principles enunciated above, organises the State powers and defines the powers and limitations of the institutions of the Republic ;
- multipartism, social and economic pluralism.

ARTICLE 7: The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

ARTICLE 8: The two parties resolutely reject and undertake to fight:

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national interest to the ethnic, regional, religious or personal interest;
- any form of coup d'etat as being contrary to the democratic system as described above.

ARTICLE 9: In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

ARTICLE 10: Elections shall be organised in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of International Observers.

The prior and full explanation of the citizens' rights and civic duties including the issues at stake in the elections

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is their inalienable right as a way of avoiding any form of political manipulation.

ARTICLE 11: The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

ARTICLE 12: The broad-based transitional government provided for in Article V of the N'sele Agreement, as amended in Gbadolite, on 16th September, 1991 and in Arusha on 12th July, 1992, shall lead the country to a democratic system as defined above.

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to build together a society founded on the Rule of Law as stipulated in the present Protocol.

CHAPTER III: PLURALISM

ARTICLE 13: The two parties recognise that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

CHAPTER IV: HUMAN RIGHTS

ARTICLE 14: The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese

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territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

ARTICLE 15: The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organisations.

The investigation work of the Commission shall not be limited in time.

The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilise its findings to:

a) sensitize and educate the population about human rights;

b) institute legal proceedings, where necessary.

ARTICLE 16: The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

CONCLUSION

ARTICLE 17: The two parties concur that national unity, democracy and peace are invaluable and solemnly undertake to do everything possible so as to preserve these values in the interest of the present and future Rwandese generations.

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Done at Arusha, the 18th day of August, 1992 in French and English, the French version being the original.

For and on behalf of the Government of the Republic of Rwanda	For and on behalf of the Rwandese Patriotic Front
NGULINZIRA Boniface Minister of Foreign Affairs and Cooperation	**BIZIMUNGU Pasteur** Member of the Executive Committee and Commissioner for Information and Documentation

For and on behalf of the Facilitator
(United Republic of Tanzania)

Ben W Mkapa

Benjamin MKAPA
Minister for Science, Technology
and Higher Education,

In the presence of the Representative of the Current Chairman of the OAU	In the presence of the Representative of the Secretary General of the OAU
	Mapuranga
Papa Louis FALL Ambassador of Senegal to Ethiopia, Tanzania and the OAU	**DR. M.T. MAPURANGA** Assistant Secretary General in charge of Political Affairs

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ANNEX IV

PROTOCOL OF AGREEMENT ON POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED TRANSITIONAL GOVERNMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT

The Government of the Republic of Rwanda and the Rwandese Patriotic Front;

Agree on the following provisions which are an integral part of the Protocol of Agreement on Power-sharing:

CHAPTER 1: GENERAL PRINCIPLES

ARTICLE 1:

The two parties reaffirm the acceptance of the principle of power-sharing within the framework of a Broad-Based Transitional Government, in conformity with Article V.3. of the N'sele Ceasefire Agreement, as amended at GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992. The modalities of implementation of this principle are the object of the present Protocol of Agreement on Power-sharing.

ARTICLE 2:

The two parties agree that those modalities shall consist of:

(a) the maintenance of the current structure of the Coalition Government with appropriate adjustments to be mutually agreed upon in this Protocol, with a view to making room for the participation of the RPF and other political forces in the country;

(b) appropriate adjustments to be mutually agreed upon in this Protocol, to be made at the level of the State powers with a view to enabling the RPF and other political forces in the country to participate in and make for the efficient

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management of the transition, in compliance with the principle of separation of powers.

CHAPTER II: TRANSITIONAL INSTITUTIONS

Article 3: During the Transitional Period, the State institutions shall be:

(i) The Presidency of the Republic;

(ii) The Broad-Based Transitional Government:

(iii) The Transitional National Assembly;

(iv) The Institutions of the Judiciary.

CHAPTER III: THE EXECUTIVE POWER

Article 4: The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

SECTION 1: THE PRESIDENT OF THE REPUBLIC AND HEAD OF STATE

Article 5: Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the Transitional Period.

Article 6: As Head of State, the President of the Republic shall have the following prerogatives:

(a) He shall nominate the Prime Minister and other members of the Cabinet within three days following their appointment by the relevant bodies. After this period, the Prime Minister shall assume office and appoint other Members of the Cabinet.

Modalities for the appointment of the Prime Minister and other Members of the Cabinet shall be provided for in this Peace Agreement:

(b) He shall nominate and accredit Ambassadors. Plenipotentiaries and Extraordinary Envoys abroad. after their appointment by the Cabinet. He shall receive credentials of Ambassadors and Extraordinary Envoys from abroad. after their approval by the Cabinet:

(c) He shall represent the Rwandese State in its relations with other States;

(d) He shall sanction and promulgate. without any right of veto. bills passed by the National Assembly and Orders in Council adopted in the Cabinet meetings within ten days following the date of receipt of the ruling on their constitutionality. After this period. Orders in Council shall be sanctioned and promulgated by the Prime Minister. and the bills shall be sanctioned and promulgated by the Speaker of the Transitional National Assembly;

(e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end. he shall bear the title of Commander-in -Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet. in accordance with the modalities specified in the Peace Agreement.

Article 7:

The President of the Republic shall have the right to include any issue of national interest on the agenda of Cabinet meetings.

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Article 8:

The President of the Republic may, if he so wishes, attend meetings of the Cabinet. In this case, he shall chair the Cabinet meetings.

Article 9:

Executive Orders by the President of the Republic, shall be discussed and adopted by the Cabinet. Since the President of the Republic shall have the right to be involved in decision-making in the Cabinet, he shall have no right of veto on decisions regularly taken by the Cabinet, in particular, draft Presidential Orders when these are submitted to him by the Prime Minister for signature. This signature officializing the Presidential Orders adopted in the Cabinet, shall be effected within ten days following the day of receipt of the said Orders at the Presidency of the Republic. After this period, the decision shall come into force by way of a Prime Ministerial Order.

Article 10:

Legal Acts by the President of the Republic shall be countersigned by the Prime Minister and by relevant Ministers and Secretaries of State.

Article 11:

In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

1. the prerogative of mercy;
2. the minting of currency;
3. Award of the National Orders;
4. the implementation of laws, when he is so required;

/...

5. the appointment and termination of services of the following senior civil servants:

- the Principal Private Secretary to the President of the Republic;
- the Chancellor for National Orders;
- the Governor of the National Bank of Rwanda;
- the Rector of the National University of Rwanda;
- Ambassadors;
- the Secretary to the Cabinet;
- the Personal Secretary to the President of the Republic
- Advisors in the Presidency of the Republic;
- Principal Private Secretaries in Ministries;
- Advisors in Ministries;
- Head of the Prosecution Department at the Supreme Court;

6. Ratification of International Treaties, Conventions and Agreements. However, Peace Treaties, Treaties of Alliance, Treaties which may entail altering national borders or affect the rights of sovereignty, Treaties on the association of the Republic with one or several other States, as well as Treaties, Conventions and Agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

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Article 12:

The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

SECTION 2: The Broad-based Transitional Government

Article 13:

The current structure of the Government, namely, the number and appelation of Ministries shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

It shall be responsible for:

1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

Article 14:

The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

Article 15:

The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.

/...

Sub-section1: The Powers of the Government;

Article 16:

The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing, the Government shall:

1. Be responsible for the implementation of laws and regulations;
2. Negotiate and conclude international Treaties, Conventions and Agreements;
3. Discuss and adopt draft bills and present them to the National Assembly;
4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;
5. Appoint and dismiss civil servants.
6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

Article 17:

The Government shall be the guarantor of national sovereignty and national unity.

Sub-section 2: The Prime Minister

Article 18:

The Prime Minister shall:

/...

1. In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;

2. In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet;

3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly;

4. Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.

5. Determine the functions of the Ministers and Secretaries of State as well as the nature and extent of powers of the services under them.
   The Ministers and Secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power.

6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:

   - the Principal Private Secretary to the Prime Minister;
   - Deputy Governors of the National Bank of Rwanda;
   - Vice-Rectors of the National University of Rwanda;

/...

- Advisers and "Chefs de Service" in the Prime Minister's Office;
- the "Préfets de Préfecture" [District Commissioners].
- Director in Public Enterprises;
- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors in Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries;
- "Sous-Préfets"[Assistant District Commissioners];
- Bourgmestres [County Administrators].
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

Upon delegation of power by the Cabinet,

(a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of Chief Clerk or equivalent and lower-level posts.

/...

(b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of judicial staff other than magistrates.

(c) In Public Enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant Director.

7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.
8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.
9. Address messages to the Nation, whose content shall be decided upon by the Cabinet.
10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

Article 19:

Legal acts by the Prime Minister shall be countersigned by the relevant Ministers and Secretaries of State.

Sub-section 3:. Functions of the Deputy Prime Minister

Article 20:

The Deputy Prime Minister shall:

1. Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance.

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2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement.

3. In addition, hold a Ministerial Portfolio.

Sub-section 4:. Mode of Decision-Making within the Government

Article 21

Prior to the deliberations, the Cabinet meeting shall adopt its agenda.

Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study.

Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present.
For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement;
- declaration of war;
- exercise of the prerogative of mercy and mitigation of sentence;
- defence and security matters.

Article 22

For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.

Sub-section 5:. Outline of the Broad-based Transitional Government Programme

Article 23:

The Broad-based Transitional Government shall implement the programme comprising the following:

A. Democracy

1. Consolidate the democratic process by establishing the necessary mechanisms for the implementation of the provisions of the Protocol on the Rule of Law.

2. Prepare and organise general elections to be held at the end of the Transition Period.

B. Defence and Security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy.

2. Ensure internal and external security.

3. Take the necessary measures for guaranteeing the security of all the people and their property.

4. Organise defence and security institutions.

C. National Unity and National Reconciliation

1. Restore national unity, in particular and as a matter of urgency by:

   a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;

b) Working out appropriate legislation in this regard;

c) Establishing a recruitment system for senior government posts, for all other posts, and for admission to schools, based on fair competition giving equal opportunity to all citizens.

2. Organise a national debate on National Unity and National Reconciliation.

D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities.

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

E. Repatriation and Reintegration of Refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.

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F. The Economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata.
2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.)
3. Diversify export products.
4. Encourage small and medium scale industries.
5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

G. National Ethics

1. Establish a mechanism for guaranteeing a professional code of ethics, integrity and patriotism.
2. Establish a system for the eradication of all forms of corruption.
3. Evaluate and clean up all the State administrative institutions.

CHAPTER IV: SPECIALISED COMMISSIONS

Article 24:

In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

A. COMMISSION FOR NATIONAL UNITY AND NATIONAL RECONCILIATION

This commission, which reports to the Government, shall be responsible for:

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1. Preparing a national debate on national unity and national reconciliation.
2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation.

B. LEGAL AND CONSTITUTIONAL COMMISSION

This Commission shall be responsible for:

1) Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.

2) Prepare a preliminary draft of the Constitution which shall govern the country after the Transitional Period.

C. ELECTORAL COMMISSION

This Commission shall be responsible for the preparation and organisation of local, legislative and presidential elections.

CHAPTER V: THE JUDICIARY

SECTION 1: General Principles

Article 25:

1. The powers of the Judiciary shall be exercised by Courts, Tribunals and other Jurisdictions. The Judiciary is independent of the Legislature and the Executive.

Justice shall be rendered on the territory of the Republic in the name of the people.

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SECTION 2: Jurisdictions

Article 26:

The following ordinary jurisdictions shall be recognized:

Canton Courts, Courts of First Instance, Courts of Appeal and the Supreme Court.

The following Military Jurisdictions shall also be recognized:

Court Martials and the Military Court.

The law may establish any other specialized Courts. However, no special Courts may, be established.

SECTION 3: The Supreme Court

Article 27:

The Supreme Court shall particular exercise the following functions:

(a) direct and coordinate the activities of the Courts and Tribunals of the Republic. It shall be the guarantor of the independence of the Judiciary. To this effect, it shall be responsible for the professional code of ethics;

(b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation;

(c) give a ruling on the petition for anullment of regulations, orders and decisions issued by administrative authorities;

/...

(d) ensure the regularity of popular consultations;

(e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;

(f) give the authentic interpretation on customary practice in case written law is silent thereon;

(g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another;

(h) arbitrate on institutional conflicts between various State organs;

(i) judge the Accounts of all Public Institutions;

(j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Deputy-Presiding Judges of the Supreme Court, Deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be judged by the Supreme Court, in the presence of all the jurisdictional sections, with at least eleven Judges without including the Judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.

/...

Article 28:

The Supreme Court shall comprise the following five sections:

(a) The Department of Courts and Tribunals;

(b) The Court of Cassation;

(c) The Constitutional Court;

(d) The Council of State;

(e) The Public Accounts Court.

Article 29:

The Supreme Court shall be chaired by a Presiding Judge assisted by five Deputy Presiding Judges. The Presiding Judge and the Deputy Presiding Judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termination of the services of the Presiding Judge and Deputy Presiding Judges shall be signed by the President of the Republic.

Article 30:

Candidates for the post of Presiding Judge and Deputy Presiding Judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree in Law.

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2. Give proof of at least five years' practical experience in the field of Law.

Article 31:

Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

Article 32:

Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of Judges of the Bench.

Article 33:

An organic law shall determine the powers, the organisation and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organisation and the rules of procedure of these Courts shall remain in force.

SECTION 5: Relationship between the Supreme Court and the Govenment

Article 34:

The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information.

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

Article 35:

The implementation of the decisions by the Supreme Court, as well as ~~the~~ financial management of, and other administrative measures

/...

concerning the Supreme Court shall be vested in the Government. However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

Article 36:

In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion are is of general interest.

SECTION 6: The Supreme Council of Magistrates

Article 37:

The Supreme Court of Council of the Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as, Chairman;
- the Deputy-Presiding Judges of the Supreme Court;
- two Judges of the Bench of the Supreme Court;
- a Judge of the Bench from each Court of Appeal;
- a Judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal;
- a Magistrate of Canton Court under the Jurisdiction of each Court of Appeal.

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members.

The Council shall elect from its members a Vice-Chairman and a Rapporteur.

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Article 38

With the exception of the Presiding Judge and the Deputy-Presiding Judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of Jurisdiction.

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law.

Elections shall be organized by the Supreme Court.

Article 39:

The Supreme Council of the Magistrates shall have the following powers:

(a) Decide on the appointment and termination of services and, in general, the administration of the career of Judges of the Bench other than the Presiding Judge and Deputy-Presiding Judges of the Supreme Court.

(b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the judicial staff regulations within its jurisdictions.

(c) Give advisory opinion, upon its own initiative or upon request, on any matter concerning the administration of Justice.

CHAPTER VI: OTHER AREAS OF AGREEMENT

Article 40:

The initiative of laws shall be vested in the Cabinet and the National Assembly.

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Article 41:

The Constitution which shall govern the country after the Transition Period shall be prepared by the Legal and Constitutional Commission comprising national experts referred to under Article 24.B of this Protocol. This Commission, which shall be under the National Assembly, shall prepare, after an extensive consultation with all the strata of the population, a preliminary draft Constitution which shall be submitted to the Government for advice, before submitting it to the National Assembly which shall finalise the draft Constitution, to be submitted to a Referendum for adoption.

Article 42:

The National Assembly shall exercise control over the Government's activities, in line with the mechanisms provided for by the law.

Article 43:

The National Budget shall be prepared by the Government and voted by the National Assembly. Where the budget is not voted in time, the Prime Minister shall, upon the decision of the Government, pass a decree authorising the disbursement of monthly provisional expenditure.

Article 44:

The "Office Rwandais d'Information" (ORINFOR) shall fall under the Ministry responsible for Information and the "Office du Tourisme et des Parcs Nationaux" (ORTPN) under the Ministry responsible for Tourism.

Article 45:

In criminal matters the responsibility of the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister.

/...

Ministers, Secretaries of State, the Assistant Presiding Judges of the Supreme Court and Deputies, shall be individual.

However, they shall not be subjected to custody. They may appear before justice through their proxies. They shall be judged by the Supreme Court.

Deputies shall not be prosecuted or sued as a result of opinions expressed or votes cast in the exercise of their duties.

Article 46:

As a matter of urgency and priority, the Broad-based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.

In any case, all local authorities (Bourgmestres, [County Administrators], Sous-Préfets [Assistant District Commissioners], Préfets de Préfecture [District Commissioners]) shall have been either replaced or confirmed within three months after the establishment of the Broad-based Transitional Government.

Done at Arusha, on this 30th day of October, 1992 in French and English, the French text being the original.

For the Rwandese Government

NGULINZIRA Boniface
Minister of Foreign Affairs and Cooperation

For the Rwandese Patriotic Front

BIZIMUNGU Pasteur
Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of Representative of Facilitator
(The United Republic of Tanzania)

Ahmed Hassan DIRIA
Minister for Foreign Affairs and International Cooperation

In the presence of Representative of Chairman of the OAU

Papa Louis FALL
Ambassador of Senegal to Ethiopia and Tanzania, Representative to OAU

In the presence of Representative of Secretary General of OAU

Dr. M.T. MAPURANGA
Secretaire Général Adjoint, chargé des Affaires Politiques.

/...

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED TRANSITIONAL GOVERNMENT

(CONTINUATION OF THE PROTOCOL OF AGREEMENT SIGNED ON 30TH OCTOBER, 1992)

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions which are an integral part of the Protocol of Agreement on Power-Sharing:

CHAPTER VII: NEW AREAS OF AGREEMENT

ECTION 1: Provisions relating to the Executive Power

ub-Section 1: Replacement of the President of the Republic during the Transitional Period

rticle 47: In the event of a temporary impediment or incapacity of the President of the Republic to carry out his duties, the Speaker of the Transitional National Assembly shall assume the interim untill the incumbent President resumes office.

rticle 48: In the event of resignation or death, permanent impediment or incapacitation of the President of the Republic:

1. The office shall be declared vacant by the Supreme Court upon request by the Broad-Based Transitional Government.
2. The interim Presidency shall be assumed by the Speaker of the Transitional National Assembly.
3. The replacement of the President of the Republic shall be conducted in the following manner:

/...

a) The party of the former President of the Republic shall present two candidates to the Bureau of the Transitional National Assembly within three (3) weeks of the declaration of the vacancy.

b) Within the fourth week, the election of the President of the Republic shall be conducted in a joint session of the Broad-Based Transitional Government and the Transitional National Assembly . The respective members of the two institutions shall elect the President of the Republic by secret ballot and by an absolute majority. The election shall be supervised by the Speaker of the Transitional National Assembly.

c) If the Party of the former President of the Republic, for one reason or another, is not willing to present a candidate or cannot present any candidate, or if the President of the Republic has resigned from his party in the meantime, each political force represented in the Transitional National Assembly may submit one (1) candidate within six (6) weeks after the declaration of the vacancy. The election shall be conducted during the seventh week, at the latest, following the modalities provided for in point (b) above.

d) If the vacancy is declared three (3) months or less before the expiry of the transitional period, the Speaker of the Transitional National Assembly shall assume the interim Presidency of the Republic until the end of the Transition.

rticle 49: The candidate to the Presidency of the Republic should be at least thirty five (35) years of age. Once elected, the President cannot perform any military or other remunerative activity.

rticle 50: The new President of the Republic shall be sworn in within eight (8) days after his election, by the Presiding Judge of the Supreme Court, before the National Transitional Assembly.

ub-Section 2: Appointment of the Prime Minister, Ministers and Secretaries of State

rticle 51: The candidate for the post of Prime Minister shall be presented by the political formation designated to that effect. He shall be presented to the

...

two parties to the negotiations for approval. He should be known before the signing of the Peace Agreement.

rticle 52: The Prime Minister shall, in consultation with each political force called upon to participate in the Government, select candidates for the portfolios distributed among the various political forces. He shall present them to the President of the Republic for appointment as well as to the Transitional National Assembly, in accordance with Article 18, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

ub-Section 3: Replacement of the Prime Minister, Ministers and Secretaries of State

rticle 53: The vacancy of the post of Prime Minister shall be declared by the Supreme Court upon request by the Broad-Based Transitional Government. The political force of the former Prime Minister shall submit a candidate within fifteen (15) days of the declaration of the vacancy. Political formations participating in the Broad-Based Transitional Government shall, under the coordination of the Deputy Prime Minister, hold consultations for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

rticle 54: The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

ub-Section 4: Distribution of Ministerial Portfolios within the Broad-Based Transitional Government

rticle 55: In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)

/...

- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

Article 56: The nominative distribution of portfolios shall be as follows:

MRND: 1. Ministry of Defence;
2. Ministry of Higher Education, Scientific Research and Culture;
3. Ministry of Public Service;
4. Ministry of Planning;
5. Ministry of Family Affairs and Promotion of the Status of Women.

RPF: 1. Ministry of Interior and Communal Development;
2. Ministry of Transport and Communications;
3. Ministry of Health;
4. Ministry of Youth and Associative Movement;
5. Secretariat of State for Rehabilitation and Social Integration.

MDR: 1. Prime Minister;
2. Ministry of Foreign Affairs and Cooperation;
3. Ministry of Primary and Secondary Education;
4. Ministry of Information.

PSD: 1. Ministry of Finance;
2. Ministry of Public Works and Energy;
3. Ministry of Agriculture and Livestock Development.

PL: 1. Ministry of Justice;
2. Ministry of Commerce, Industry and Cottage Industry;
3. Ministry of Labour and Social Affairs.

PDC: Ministry of Environment and Tourism

Article 57: The two parties further agree that:

-with reference to Article 5 of the Protocol of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party

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-one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

rticle 58: In case one of the political forces called upon to participate in the Broad-Based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

rticle 59: Permanent impediment rendering the President of the Republic, Ministers and Secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences .

ECTION 2: TRANSITIONAL NATIONAL ASSEMBLY

rticle 60: The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

rticle 61: All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

/...

Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is met.

rticle 62: The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementaion of the previous article, shall be as follows:

MRND	:	11 seats
RPF	:	11 seats
MDR	:	11 seats
PSD	:	11 seats
PL	:	11 seats
PDC	:	4 seats

The other registered parties shall have one (1) seat each.

rticle 63: a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of

/...

Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

rticle 64: A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

rticle 65: All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

rticle 66: The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

rticle 67: The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

rticle 68: The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

rticle 69: The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.

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The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, The Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

rticle 70: The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.

rticle 71: Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

rticle 72: The legislative power shall be exercised by way of laws passed by "Deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly is unable to convene.

rticle 73: Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

rticle 74: For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.

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rticle 75: Sessions of the Transitional **National Assembly** shall be public: the minutes of the debates shall be published. However, upon request of the Speaker, of the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

ECTION 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government

rticle 76: The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly The dissolution cannot take place within the last three months of the Transition.

rticle 77: Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

rticle 78: The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

rticle 79: The Transitional National Assembly may question the conduct of the Broad-Based Transitional Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

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Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "Deputies" present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. in this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

SECTION 4: Political Code of Ethics binding the political forces called upon to participate in the Transitional Institutions

Sub-Section 1: Fundamental Principles

Article 80: In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people.
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law.

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7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;

8. Respect the secularism of the Rwandese State;

9 Respect national sovereignty and the territorial integrity of the country

rticle 81: The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

rticle 82: Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report.

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

ub-Section 2: Additional Duties of the Commission for National Unity and National Reconciliation.

rticle 83: The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions

ECTION 5: MISCELLANEOUS PROVISIONS

ub-Section 1: Modalities of Appointment within the Judiciary

rticle 84: In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of

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Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

Article 85: The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

Sub-Section 2: Redeployment of the Deputies to the CND

Article 86: The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the Deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "Deputy".

Sub-Section 3: Local Elections as a Solution to Social Tensions

Article 87: Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

Sub-Section 4: National Conference

Article 88: The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 23.C.2 of the Protocol of Agreement signed on 30th October, 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30th October, 1992. The Commission shall report to the Broad-Based Transitional Government.

/...

Done at Arusha, this 9th day of the month of January, 1993, in the French and English languages, the French text being the original.

FOR THE GOVERNMENT OF THE REPUBLIC OF RWANDA	FOR THE RWANDESE PATRIOTIC FRONT
NGULINZIRA Boniface, Minister of Foreign Affairs and Cooperation	BIZIMUNGU Pasteur, Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of the Facilitator
(The United Republic of Tanzania)

Hon. Ahmed Hassan DIRIA
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of the Current Chairman of the OAU	**For the Secretary General of the OAU**
Papa Louis FALL, Ambassador of Senegal to Ethiopia and Representative to the OAU	Dr. M. T. MAPURANGA, Assistant Secretary General of the OAU, in charge of Political Affairs

/...

ANNEX V

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON THE REPATRIATION OF RWANDESE REFUGEES AND THE RESETTLEMENT OF DISPLACED PERSONS

The Government of the Republic of Rwanda on one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the repatriation of Rwandese refugees and the resettlement of displaced persons.

CHAPTER I: REPATRIATION OF RWANDESE REFUGEES

SECTION 1: VOLUNTARY RETURN AND REPATRIATION

Sub-Section 1: Basic Principles

Article 1: The return of Rwandese refugees to their country is an inalienable right and constititutes a factor of peace, national unity, and reconciliation.

Article 2: The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his country will do so without any precondition whatsover.

Each person who returns shall be free to setttle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people.

Article 3: For purposes of settling returnees, the Rwandese Government shall make lands available, upon their

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identification by the "**Commission for Repatriation**" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

Article 4: The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliaton, refugees who left the country more than 10 years ago should not reclaim their properties,which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.

As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

Article 5: The repatriation exercise shall aim at achieving a harmonious and definitive integration.

Article 6: The repatriation process must mesh with the economic changes underway in the country.

Article 7: The principle of dual citizenship is hereby accepted. The laws governing the Rwandese citizenship shall be reviewed accordingly.

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Sub-Section 2: The Beneficiaries of the Programme for the Return and Repatriation

Article 8: The Programme for the Return and the Repatriation shall be designed solely for Rwandese Refugees.

Shall qualify as a Rwandese refugee:

1. Anyone in possesion of documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), testifying that the bearer is a Rwandese refugee;
2. Any Rwandese national who declares himself to be a Rwandese refugee, but who is not registered with the Office of the UNHCR.

Sub-Section 3: Repatriation Procedures

Article 9: Upon the recommendation of the Secretariat of State for Rehabilitation and Social Integration, the Broad-Based Transitional Government shall set up a Commission for Repatriation composed of Government, UNHCR, OAU and Refugee representatives.

Article 10: The Commission shall have,as a general mandate, to finalize and to implement a programme for the repatriation and reintegration of returnees.

The concrete missions of the Commission shall be as follows:

1. Conduct a socio-economic survey of refugees;
2. Organize a pre-repatriation census and registration of returnees;
3. Conduct an information and sensitization campaign both to the refugee community and the population within the country;

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4. Identify settlement sites, supervise the distribution of plots and establishment of basic infrastructures such as Reception Centres, Health Centres, Educational Centres, etc.;

5. Make travel arrangements for all returnees, where necessary, and arrangements for the transport of their property;

6. Supervise all kinds of assistance for the returnees, such as food aid, farming tools, building materials, domestic items, seeds, etc.;

That Commission may set up Committees, where necessary, for the execution of some of its missions.

Article 11: For border crossings, a list of items subject to an export ban in the country of asylum and to an import ban in Rwanda shall be communicated in advance to refugees opting for repatriation.

Property and assets of returnees shall be exempted from all import duties and taxes, except for commercial goods.

The exchange regulations shall be communicated to returnees and facilitated by the appropriate authorities.

Customs formalities shall also be specified by the country of asylum and by Rwanda.

The Secretariat of State for Rehabilitation and Social Integration, in coordination with Immigration and Emigration Services, shall provide facilities at border posts and at the International airport, for the reception of returnees who shall have opted to go back home with their own means.

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Sub-section 4: ASSISTANCE

Article 12: The repatriation funding programme shall provide for provisional accommodation centres on the settlement sites in rural or in urban areas, in existing or those to be built, on condition that the latter are built for ultimate use.

Returnees at that time shall be fully taken care of, including an initial free medical check-up.

Article 13: Returnees shall provisionally be accommodated in shelters built on plots allocated to them, but they shall rapidly be given a set of building materials to enable them to build their own houses and.design them in accordance with model development schemes drawn up by the Commission for Repatriation.

Article 14: Upon their arrival in the country, repatriates shall each be paid a small amount of money to enable them to meet vital needs not catered for by the aid programme.

Article 15: With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials
5. health;
6. education.

The same assistance shall equally be provided to those returnees who may go back to their places of origin.

Article 16: Food aid shall be provided for a period of at least 15 months, after which conditions for the continued supply of that aid shall be reviewed.

Article 17: Each family of returnees shall be provided with basic items such as kitchen utensils and bed and beddings.

Article 18: The programme for the settlement of returnees shall also avail a set of farming tools and seeds, preferably selected to meet the soil and climate requirements in the area. In so doing, it shall enable the repatriated farmers to undertake farming activities as soon as possible.

Article 19: The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres.

Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

Article 20: A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees, funds for the purchase of uniforms and school equipment for two academic years.

Article 21: The returnees who shall take up activities other than farming, but are not able to take care of themselves, shall each benefit from some of the assistance programmes mentioned above especially:

1. Accommodation and food aid for a period of 6 months;
2. basic items such as kitchen utensils, bed and beddings.

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The Rwandese Government shall establish, through the Ministry of Labour and Social Affairs and the Secretariat of State for Rehabilitation and Social Integration, mechanisms for the orientation and follow-up of job seekers.

Sub-Section 5: Integration Modalities

Article 22: Returnees may benefit from opportunities availed by the Development Projects designed for the enhancement of employment in the public and private sectors, in the same conditions as residents.

Article 23: The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced.

There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.

A returnee who shall be integrated in the public sector shall be employed at the level to be determined on the basis of their qualification and professional experience.
Employment shall not be subjected to any precondition and criteria other than the age for employment and retirement.

Article 24: Returnees who have contributed to the Social Security in Rwanda may claim their dues, either for themselves or their beneficiaries.

As for those who have been contributing to the Social Security abroad, the Rwandese Government shall negotiate with the countries concerned so as to arrange for the compensation or transfer of their dues.

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Article 25: Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector.

During the first three years of service, with effect from the date of appointment , the returnees shall use those languages they are most familiar with, and shall take intensive French or Kinyarwanda courses. At the end of that period, consideration of this facility shall be re-examined in order to determine whether it would be maintained or not.

To that effect, a programme of linguistic support as well as translation and interpretation services shall be organized, according to the needs, soon after the establishment of the Broad-Based Transitional Government, using funds provided for in the Plan of Action for returnees or any other funds.

Article 26: The existing Commissions on the Equivalence of diplomas shall include qualified personnel among returnees and shall pay special attention to that problem.

Diplomas and certificates internationally recognised shall be considered for purposes of employment in the educational institutions or appointment to professional posts, in accordance with the UNESCO grading regulations and systems.

Article 27: The access to employment opportunities in the Private Sector and the establishment of new enterprises in the country have been liberalized within the framework of the Structural Adjustment Programme (SAP). They shall be open to returnees without any preconditions, and under the same conditions as residents.

/...

Government role in that field will be to reactivate support to existing firms, promote new investments and simplify formalities required to get started in the Private Sector. The Plan of Action shall also include a Guarantee Security Fund, so as to facilitate access to loans by returnees.

Article 28: The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socio-economic infrastructures such as schools, Health Centres, water, access roads, etc.

The Housing scheme in these areas shall be modelled on the "village" grouped type of settlement to encourage the establishment of development centres in the rural area and break with the traditional scattered housing.

Article 29: The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

Article 30: For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.
2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.

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3 Some of the aspects of adaptation may be catered for in the private educational system.

4. The Plan of Action for Rwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc.

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language.

Sub-Section 6: Implementation of the Overall Programme of Repatriation

Article 31: In accordance with the mandate entrusted to them by the Dar es Salaam Summit of 19th February, 1991, the UNHCR and the OAU shall organize, within six (6) months after the establishment of the Broad-Based Transitional Government, a Donors's Conference for the financing of projects earmarked in the Plan of Action for the Rwandese refugees.

In addition to other internal sources of funding, the Rwandese Government shall also rely on bilateral cooperation to support the Repatriation Programme.

Article 32: The implementation, at the political and administrative level, of the Repatriation Programme shall be supervised by the Secretariat of State for Rehabilitation and Social Integration.

For the technical implementation of the various components of the Repatriation Programme, the Government of Rwanda and the UNHCR shall preferably resort to those NGOs with an established reliability, taking also their respective specialization into account. As such, one or several NGO's shall undertake site development activities, building activities, and the distribution of food aid.

Sub-Section 7: Timetable for Repatriation

Article 33: All the returnees having the means to settle themselves without recourse to Government assistance may do so, soon after the signing of the Peace Agreement.

To that end, Rwandese Embassies shall issue travel documents to all Rwandese refugees who wish to go back to Rwanda.

Article 34: With respect to repatriation in groups, the following programme of sequence is envisaged:

1. Within six (6) months after the establishment of the Broad-Based Transitional Government, the UNHCR and the OAU shall organize a Donors' Conference on the financing of the Repatriation Programme.

2. Within six (6) months after the establishment of the Broad-Based Transitional Government, tripartite agreements between Rwanda, the UNHCR and individual countries in the Region, and the UNHCR

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shall have been concluded on issues pertaining to the repatriation of refugees.

3. Within Six (6) months after its establishment , the Broad-Based Transitional Government shall undertake operations for the preparation of settlement sites.

4. Within nine (9) months following the establishment of that Government, the repatriation of the first batch of returnees may begin.

SECTION 2: OTHER REPATRIATION SOLUTION: SETTLEMENT IN THE HOST COUNTRY.

Article 35: The Broad-Based Transitional Government shall take and implement measures, including through bilateral agreements, for the protection of the Rwandese nationals who shall have opted to settle in the host countries as immigrants.

Those immigrants shall fully enjoy the same rights as all other Rwandese citizens.

CHAPTER II: RETURN OF PERSONS DISPLACED BY WAR AND SOCIAL STRIFES

SECTION 1: PREPARATORY MEASURES

Article 36: The organized return of persons displaced as a result of war and social strife shall be done after the following preparatory measures have been taken:

1. Deployment of the International Neutral Force.
2. Disengagement of Forces in the war zones.

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3. Establishment of the Broad-Based Transitional Government

4. Clearance of mines in the war zones.

5. Planning and provision of humanitarian assistance in essential services.

SECTION 2: ADMINISTRATION AND SECURITY IN THE WAR ZONES

Article 37: The administration entities established before the outbreak of war shall be reconstituted.

Article 38: The socio-economic services established before the outbreak of war, especially in the educational, health, justice, youth, trade, agricultural and animal husbandry sectors at the level of administration entities in the war zones shall resume their activities.

Article 39: The Broad-Based Transitional Government shall determine mechanisms of appointing local authorities in these zones.

Article 40: The clearance of mines in the zones shall be conducted by the International Neutral Force, in collaboration with the Army Command High Council.

Article 41: Security shall be ensured by the local police to be provided with adequate means and assisted, where necessary, by the National Gendarmerie.

SECTION 3: HUMANITARIAN ASSISTANCE

Article 42: Humanitarian Aid shall be distributed by the Secretariat of State for Rehabilitation and Social Integration, assisted by the Humanitarian Agencies.

Article 43: The humanitarian aid shall consist of:

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1. Food aid;
2. Domestic items;
3. Farming tools;
4. Building materials;
5. Health care and Medicines;
6. Education (School equipment, uniforms, school fees for a period of two years);
7. Transport to their places of domicile for those who cannot afford it,

8 Labour costs for the construction of houses;

9. Seeds;
10. Establishment of temporary shelters.

SECTION 4: TIMETABLE AND MODALITIES FOR RETURN

Article 44: As soon as the preparatory measures spelled out in Article 36 of the present Protocol are put in place, the Broad-Based Transitional Government shall issue directives for the return of displaced persons.

Article 45: The return of war displaced persons to their homes shall, as much as possible, be coordinated with the return of the refugees who left the country during the war, as well as that of persons displaced as a result of social strifes.

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Done at Arusha, the 9th day of June 1993 in both French and English Languages, the French text being the original.

For the Government of the the Republic of Rwanda

NDASINGWA Landoald
Minister of Labour and Social
Affairs

For the Rwandese Patriotic Front

BIZIMUNGU Pasteur
Member of the Executive
Committee and Commissioner for
Information and Documentation

In the presence of the Representative of the Facilitator
(The United Republic of Tanzania)
Ami R. MPUNGWE
Ambassador
Ministry of Foreign Affairs and
International Co-operation

In the presence of the
Representative of the Current
Chairman of the OAU

Papa Louis FALL
Ambassador of Senegal to Ethiopia
and Tanzania
and Representative to the OAU

In the presence of the
Representative of OAU Secretary
General

Dr. M.T. MAPURANGA
Assistant Secretary General for
Political Affairs

/...

ANNEX VI

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON THE INTEGRATION OF THE ARMED FORCES OF THE TWO PARTIES

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the integration of the Armed Forces of the two parties.

CHAPTER I. THE NATIONAL ARMY.

Section 1: Missions and Principles.

Article 1: Subject to modalities and principles mutually agreed upon between the two parties in the present Protocol of Agreement, for the formation of the National Army, the latter shall fulfil the following missions and shall be guided by the principles below:

A. Missions:

1. Defend the national territorial integrity and the sovereignty of the country;
2. Participate, within the framework established by laws and regulations and in consultation with relevant authorities, in

operations of maintenance and restoration of law and order as well as in the execution of laws;

3. Participate in relief operations in the event of natural calamities;

4. Contribute to the development of the country, especially through reconstruction and production activities.

B. Principles.

1. As an Institution, the National Army shall be governed by the laws and regulations of the country;

2. The National Army shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Fundamental Law as defined in the Peace Agreement, laws, democratic principles and the Rule of Law;

3. The National Army shall be non partisan;

4. The National Army shall be a regular Army, composed solely of volunteer Rwandese citizens recruited on the basis of their competence. It shall be open to any Rwandese Nationals, irrespective of their ethnic group, region, sex, religion or language;

5. Members of the National Army shall have the right to be informed about the socio-political life of the country. They shall benefit from civic and political education . To that effect, the Government shall set up a programme for the civic and political education of servicemen;

6. Members of the National Army shall not be affiliated to political parties or to any other association of a political nature. They shall

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neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public;

7. Members of the National Army shall exercise their right to vote. Given the type of the current organization of the Army, however, its members cannot participate in local elections.

8. Members of the National Army may present their candidature for political elective posts, on condition that they resign from the Army.

Section 2: Size. Structure and Organization.

Sub-Section 1: Size.

rticle 2: The strength of the National Army (Officers, Non-Commissioned Officers, Corporals and Privates) shall be thirteen thousand (13,000) men.
The ratio between the various categories with respect to the whole size of the Army, shall be 6% for Officers, 22% for Non-Commissioned Officers and 72% for men.

Sub-Section 2: Structure.

rticle 3:

The National Army shall comprise:

1. An Army Command High Council;
2. The Army Headquarters;
3. Four (4) Territorial Brigades;
4. Specialised Units under the Army Headquarters;

/...

5. Support and Service Units under the Army Headquarters.

The Organizational Chart indicating the structure of the National Army is reproduced as Annex I of the present Protocol and is an integral part of it.

Sub-Section 3: Organization.

aragraph 1: The Army Command High Council.

rticle 4: An Army Command High Council (ACHC) is hereby established and shall, in line with the policy set by the Government, be the highest military organ of consultation and decision-making for matters related to defence and the organization of the Army. It shall be accountable to the Government through the Minister of Defence.

rticle 5: Composition.

The Army Command High Council shall be composed of :

-The Chief of Staff of the National Army: Chairman

-The Deputy Chief of Staff of the National Army: Vice-Chairman

-Brigade Commanders (4): Members

-Second in Command of Brigades (4): Members

rticle 6: Functions.

The Army Command High Council shall exercise the following functions:

1. Study modalities of implementing the Government policy in matters of defence.

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2. Ensure the execution of the defence policy of the country.

3. Set up, in line with the Government general policy, a doctrine of utilization of the Army by establishing mechanisms and strategies for the defence of the national territory as well as the maximum utilization of resources.

4. Approve plans for the utilization of the Army.

5. Draw guidelines for the organization of the supply of logistics.

6. Provide advice, either on its own initiative or upon the request of the Minister of Defence, on defence policy plans, the overall organization of the Army, the state of military service and on any military issue of general concern.

7. Ensure the implementation of the organisation plan of the Army.

8. Study major issues confronting the Units and take decisions to be implemented by the Army headquarters or make recommendations to the Minister of Defence for appropriate action.

9. Supervise the process of formation of the National Army.

rticle 7: Meetings.

The Army Command High Council shall meet once a month in an ordinary session upon convocation by its Chairman.

The Chairman may call for an extraordinary session when and as needed, and especially on instruction from the Minister of Defence, or at the request of anyone of its members.

The agenda of the meeting shall be specified upon notification to attend.

rticle 8: Mode of Decision -Taking.

Decisions shall be taken by consensus and communicated to the Minister of Defence.

Decisions or recommendations by the Army Command High Council shall be conveyed to the echelons concerned through the Army Chief of Staff.

rticle 9: Rules of Procedure.

The Army Command High Council shall establish its own rules of procedure.

aragraph 2: The Army Headquarters.

rticle 10: Functions of the Army Headquarters.

The Army Headquarters shall have the following functions, exercised in conformity with directives of the Army Command High Council:

1. Day-to-day administration and command of the Army;
2. Co-ordinate the activities of Army and those of the Army Headquarters;
3. Implement decisions of the Army Command High Council;
4. Liaise, at the administrative level, between the Army - as an Institution - and the Government, through the Ministry of Defence;
5. Conduct, under the supervision of the Army Command High Council, the process of formation of the National Army, and

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participate, within the framework of implementation of the Peace Agreement, and in collaboration with the International Neutral Force or the NMOG, in the demobilization process, taking the respective missions and status of those Institutions into consideration.

rticle 11: Command of the Army Headquarters.

The Army Headquarters shall be under the command of the Chief of Staff, assisted by the Deputy Chief of Staff.

The Chief of Staff shall be responsible for the Army Headquarters. However, all the decisions shall be taken upon mutual agreement between the Chief of Staff and the Deputy Chief of Staff. The Deputy Chief of Staff shall be especially responsible for the supervision of activities of Departments 2 and 3 of the Army Headquarters. He shall be accountable to the Chief of Staff He shall replace him in all the matters, in the event of his absence or impediment.

rticle 12: Organization and Functions of Army Headquarters Departments.

The Army Headquarters shall be composed of four Departments with the following functions:

1. Department 1 (G1): Management of personnel.
2. Department 2 (G2): Security and Military Intelligence.
   - Security of the personnel and equipment of the National Army;
   - Gathering and utilization of Intelligence.
3. Department 3 (G3): Organization, training, operations, civic and political education.
   - Set up of the doctrine of utilization of the National Army.

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- Proposal on the organizational structure and deployment of the Units;
- Military training and education;
- Civic and political education;
- Elaboration of military defence plans;
- Planning of daily and periodic activities of the National Army.

4. Department 4 (G4): Logistics.
   - Participation in preparing the budget;
   - Providing Units with supplies;
   - Management of the National Army patrimony.

Paragraph 3: Territorial Brigades.

rticle 13: Territorial Brigades shall be made up of three Battalions each and deployed as follows:

- 1st Brigade to cover Byumba Prefecture;
- 2nd Brigade to cover Kigali, Kibungo and Gitarama Prefectures;
- 3rd Brigade to cover Butaie, Gikongoro and Cyangugu Prefectures;
- 4th Brigade to cover Kibuye, Gisenyi and Ruhengeri Prefectures.

Paragraph 4: Specialized Units under the Army Headquarters.

rticle 14: There are Specialized Units under the Army Headquarters, namely:

- A Para-commando Battalion;
- A Reconnaissance Battalion;

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- A Military Police Battalion whose detachments shall be deployed in the various Brigades, with only two Companies remaining in Kigali.

Paragraph 5: Support and Service Units under the Army Headquarters.

rticle 15:

There are Support and Service Units under the Army Headquarters, namely:

- An Engineering Battalion;
- A Field Artillery Battalion;
- An Anti-Aircraft Artillery Battalion;
- An Air Force Squadron;
- A Logistics Center;
- Medical Services;
- An Army Band Company;
- The Training Center in Bugesera;
- The Commando Training Centre in Bigogwe.

Paragraph 6: Schools.

rticle 16:

There are also Schools under the Ministry of Defence, namely:

- "Ecole Supérieure Militaire" (ESM) - Staff College
- "Ecole des Sous-Officiers" (ESO) - Military Academy.

Programmes of study followed in these Schools shall be worked out by a Commission set up by the Government at the proposal of the Minister of Defence and shall be composed of Officers designated by the Army Command High Council and the Command Council of the National

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Gendarmerie as well as representatives of other concerned Departments. These programmes shall be approved by the Government.

ection 3: Service within the National Army.

ub-Section 1: The Military Service.

rticle 17: Principle.

Military service shall be exercised under contract or permanent terms. Men as well as Non-Commissioned Officers with the rank of Sergeant and Staff Sergeant shall serve under contract terms. The Contract shall be valid for seven (7) years renewable once and applicable to the category of servicemen aged between 18 and 40. Other servicemen shall serve on permanent terms.

rticle 18: Military Ranks.

Military ranks within the National Army shall fall under three categories and follow each other as indicated below:

CATEGORY 1: MEN:
- Private
- Private 1st Class
- Corporal.

CATEGORY 2: NON-COMMISSIONED OFFICERS.
- Sergeant
- Staff Sergeant
- Sergeant Major
- Warrant Officer Class II.
- Warrant Officer Class I.

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CATEGORY 3: OFFICERS.

1. Junior Officers:
    - Second Lieutenant
    - Lieutenant
    - Captain.

2. Senior Officers:
    - Major
    - Lieutenant-Colonel
    - Colonel

3. General Officers:
    - Brigadier
    - Major-General
    - Lieutenant General.

Ranks of Premier Sergent-Major, "Adjudant Principal" and "Commandant" are abolished. Servicemen currently holding these ranks shall maintain them until they are promoted to higher ranks. They shall be the last ones to hold those ranks New Ranks of Private 1st Class and Brigadier are hereby established.

rticle 19: Correspondence between Military Functions and Ranks.

The correspondence between military functions and ranks shall be as follows:

A. The National Army Headquarters

unctions:	Ranks:
Chief of Staff:	Major-General, Brigadier, Colonel.

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Deputy Chief of Staff:	Major-General, Brigadier, Colonel.
Head of Department in the National Army Headquarters:	Colonel, Lieutenant-Colonel, Major.
Assistant Head of Department in the National Army Headquarters:	Colonel, Lieutenant-Colonel, Major.
Head of a Department Section in the National Army Headquarters:	Lieutenant-Colonel, Major, Commandant Captain.
Deputy Head of a Department Section in the National Army Headquarters:	Lieutenant-Colonel, Major, Commandant, Captain.
Head of Sub-Section of a Department Section in the National Army Headquarters or Staff Officer in the National Army:	Captain, Lieutenant, 2nd Lieutenant.

Units in the National Army.

Brigade Commander:	Brigadier, Colonel, Lieutenant-Colonel.
Second in Command of a Brigade:	Brigadier, Colonel, Lieutenant-Colonel, Ma
Battalion Commander:	Lieutenant-Colonel, Major, Commandant, Captain.
Second in Command of a Battalion:	Lieutenant-Colonel, Major, Commandant, Captain.

.	Section Commander in a Brigade Headquarters:	Lieutenant-Colonel, Major,Commandant Captain.
.	Company Commander:	Commandant, Captain, Lieutenant.
.	Second in Command of a Company:	Commandant, Captain, Lieutenant.
.	Section Commander in a Battalion Headquarters:	Commandant, Captain, Lieutenant.
.	Platoon Commander:	Lieutenant, 2nd Lieutenant.
0.	Deputy Platoon Commander:	Warrant Officer Class II, Premier Sergent-Major, Sergeant Major, Staff Sergeant.
1.	Non-Commissioned Officer of a Brigade:	Warrant Officer Class I, Adjudant Principal Warrant Officer Class II,
2.	Non-Commissioned Officer of a Battalion:	Adjudant Principal Warrant Officer Class II,
3.	Non-Commissioned Officer of a Company:	Premier Sergent-Major Sergeant-Major, Staff Sergeant
4.	Section Commander:	Staff Sergeant, Sergeant
5.	Deputy Commander of Section:	Corporal
6.	Team Leader:	Corporal or Private 1st Class
7.	Gunman for special weapon or support arm:	Private 1st Class

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8. Rifleman: Private

. Military SchoolsCommand.

"Ecole Superieure Militaire" (ESM)

- (Staff College)
- Commander of ESM: Brigadier, Colonel, Lieutenant-Colonel.
- Second in Command of ESM: Colonel, Lieutenant-Colonel.

"Ecole des Sous-Officiers" (ESO):

- (Military Academy):
- Commander of ESO.: Colonel, Lieutenant-Colonel.
- Second in Command of ESO.: Colonel, Lieutenant-Colonel, Major.

Other Functions.

In addition to the functions mentioned above, there are other functions within the administrative, logistic and technical Army services, which may be exercised by servicemen holding various ranks provided for in the Army.

rticle 20: Appointment of Members of the Army Command High Council.

Members of the Army Command High Council shall be appointed by the Cabinet and Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement signed on 30th October, 1992.

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rticle 21: Appointment of General Officers and Senior Officers and their Promotion in Ranks and Functions.

General Officers and Senior Officers shall be appointed and promoted in ranks functions by the Cabinet, upon recommendation of the Army Command High Council. Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement, signed on 30th October, 1992.

rticle 22: Appointment of Junior Officers and their Promotion in Ranks and Functions.

Junior Officers shall be appointed and promoted in ranks and functions by the Cabinet, upon recommendation of the Army Command High Council. Orders of their appointment shall be signed by the Prime Minister.

rticle 23: Appointment of Non-Commissioned Officers employed under Permanent Terms and their Promotion in Ranks and Functions.

Non-Commissioned Officers employed under permanent terms shall be appointed and promoted in ranks and functions by the Army Command High Council, convened under the chairmanship of the Minister of Defence, who shall be the one to sign Orders of their appointment.

rticle 24: Employment, Posting and Promotion of Servicemen under Contract Terms.

All contracts for servicemen employed under contract terms shall be signed by the Minister of Defence. To be recruited, servicemen must pass a national competitive examination supervised by the Army Command High Council. Upon successful completion of the training programme, they shall be posted in Units by the Army Command High Council at the proposal of

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the Army Headquarters. Thereafter, promotions shall be made by the Army Headquarters at the proposal of the Brigade or Autonomous Unit Commanders under the Army Headquarters.

rticle 25: Modalities of Promotion.

Modalities of promotion in ranks shall be decided upon by the Government. Servicemen may move from a lower category to an upper category, especially after passing a test organized for that purpose.

rticle 26: Commissioning

Conditions and modalities of commissioning to senior ranks and functions shall be specified by the Government.

rticle 27: Transfers.

Transfers from a Unit or Service to another Unit or Service and which do not affect the power of appointment entrusted to other authorities shall be made by the Chief of Staff, upon delegation of powers by the Army Command High Council, and in consultation with the Unit Commanders or those in charge of Services.

Transfers within Units which do not affect the power of appointment entrusted to other authorities shall be made by Commanders of those Units and the Chief of Staff shall be informed.

rticle 28: Secondment, Detachment and Transfer.

Members of the National Army may be seconded, detached or transfered to another Service. The authority vested with the power of nomination to military ranks and functions shall take adequate measures to make available the servicemen concerned by secondment, detachment or transfer.

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rticle 29: Termination of Service.

Resignation, leave without pay, dismissal as well as pensioning off shall be decided upon by the authority vested with the power of appointment or promotion.

rticle 30: Age of Retirement.

The age of retirement shall be:

- 45 years for Non-Commissioned Officers employed under contract terms and for Junior Officers;
- 50 years for Senior Officers;
- 55 years for General Officers.

Upon reaching the retirement age, servicemen employed under permanent terms, and exercising specialized functions may, however, benefit from a service extension and be employed under contract terms. In this case, they cannot expect to be promoted.

ub-Section 2: Disciplinary Regime, Military Courts and the Criminal Investigation and Prosecution Department (Auditorat)

aragraph 1: Principles.

rticle 31: Breaches of discipline by servicemen shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy empowered to inflict disciplinary punishments provided for.

Infringements of penal laws by servicemen shall be punished by the competent Military Courts which shall hand down the corresponding sentences provided in the said laws.

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Disciplinary punishments and the final criminal sentences shall entail disciplinary measures affecting the career of servicemen concerned.

aragaph 2: Disciplinary Punishments.

rticle 32:

Breaches of discipline which, according to the penal laws, fall short of offences, shall entail disciplinary punishments. The military disciplinary regulations shall specify the conduct of servicemen.

Disciplinary punishments shall be aimed at redressing the behaviour of individual servicemen with a view to maintaining harmony and discipline within the Units and Services. It shall therefore be forbidden to transform disciplinary punishments into a means of harassement.

rticle 33: Disciplinary Committees.

Disciplinary Committees are hereby be set up within each Unit to rule on breaches of discipline.

Within the Battalion, which constitutes a part of a Brigade, a Disciplinary Committee shall be set up to give ruling on cases involving Non-Commissioned Officers, Corporals, Privates First Class and Privates deployed within the Battalion.

A Disciplinary Committee within the Brigade shall rule on cases involving Officers of the said Brigade, except those involving Battalion Commanders and their Second in Command. The Disciplinary Committee of the Brigade shall also give its ruling on appeals against decisions by disciplinary Committees of Battalions under its jurisdiction.

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Disciplinary Committees within Autonomous Battalions and Companies shall be set up at two levels:

- A Disciplinary Committee made up of Officers to rule on cases involving Officers of the said Battalion or Company, except those involving the Battalion Commander and his Second in Command, and the Company Commander and his Second in Command.
- A Disciplinary Committee made of Officers, Non Commissioned Officers and Rank and File to rule on cases involving Non-Commissioned Officers, Corporal, Privates First Class and Privates deployed within the said Battalion or Company.

Rulings given by that Disciplinary Committee shall not be subject to an appeal before the Discipliarny Committee giving rulings on cases involving Officers.

rticle 34: Competence of the Army Command High Council with regard to Discipline.

The Army Command High Council shall give its ruling on cases involving Brigade Commanders and their Second in Command, Officered and Autonomous Batallion Commanders and their Second in Command, and Autonous Company Commanders and their Second in Command.

The Army Command High Council shall also rule on cases of appeals against disciplinary punishments handed down to Officers by disciplinary Committees of Brigades, autonomous Battalions and Companies.

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rticle 35: Appointment of Disciplinary Committee Members.

Members of the Disciplinary Committees shall be appointed by the Army Command High Council for an indefinite period. The Army Command High Council may replace them whenever it deems it necessary.

Members of the Disciplinary Committees shall be fully independent in the execution of their duties. They shall independently assess cases referred to them and take decisions on case warrants without being subjected to any external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

rticle 36: The Competence of the Military Hierarchy with regard to Discipline.

Officers responsible for order and discipline within their Units shall be empowered to inflict punishment to defaulting Non-Commissioned Officers and Men, such as cleaning fatigues (cleaning of sanitary facilities, etc.) and non exhausting physical exercises (push-ups, hopping, long-distance running, etc.).

Punishments inflicted by the military hierarchy shall not be put on record in the personal file of the punished serviceman and, therefore, shall not entail disciplinary measures.

Furthermore, Unit Commanders shall have the power of provisional arrest, not exceeding 48 hours, over any defaulting serviceman under their authority. The competent Disciplinary Committee shall also be a forum to give ruling on appeals lodged against punishments inflicted by the hierachy

rticle 37: Disciplinary Punishments Applicable to Officers.

1. The Admonition: Written warning reprimanding the addressee

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2. Arrests with Access: maximum 21 days. Under such arrests, the party concerned shall be under obligation to stay confined within his residence, without possibility of leaving, except for performing his duties, taking his meals and carrying out duties approved by the Command. The punishment decision shall specify whether visitors are allowed or not.

3. Arrests without Access: maximum 15 days. Under such arrests, the party concerned shall be dispensed from any services. He shall be suspended from all military duties and forbidden to leave his residence, except for taking his meals, or performing duties approved by the Command. He shall be formally barred from receiving visitors, except as the service may require. This suspension shall not be taken into account when pension is calculated.

rticle 38: Disciplinary Punishments applicable to Non-Commissioned Officers.

1. Open Arrests: maximum of 21 days.

This punishment does not exempt the party concerned from performing his military duties. It shall consist in barring the party concerned from leaving the quarters, except for attending to his duties and performing tasks approved by the Command, participating in any collective recreation or attending any entertainment which may be organized within his quarters, or using the mess and the Canteen.

2. Close Arrest: maximum of 21 days.

This punishment does not exempt the party concerned from performing his duties. The party shall be under obligation to stay indoors without the possibility of leaving, except to attend to his duties and other tasks approved by the Command. No visitors shall be allowed. In the case of single Non-Commissioned Officers, meals shall be taken to them by those who are on week duty in the camp.

3. Military Confinement: maximum of 15 days.

Under such arrests, the party concerned shall be exempted from any services. The punishment shall consist of continued detention in the cell for the whole duration of the punishment. The serviceman serving out such a punishment may, however, be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out duties approved by the Command and must be subjected to a daily compulsory constitutional walk of 30 minutes.

Article 39: Disciplinary Punishments Applicable to Men.

1. Open Arrests: maximum of 21 days.

This punishment does not exempt the party concerned from performing his military duties. It shall consist in barring the party concerned from leaving the quarters, except for attending to his duties and performing tasks approved by the Command, participating in any collective recreation or attending any entertainment which may be organized within his quarters, or using the Canteen.

2. Arrests in the Guardhouse: maximum of 21 days.

Under such arrests, the party concerned shall not be exempted from performing his duties;

He shall be forbidden to leave the quarters, except for attending to his duties and performing tasks approved by the Command;

He shall be forbidden to participate in any collective recreation or attend any entertainment organized in the quarters;

He shall be forbidden to go to the Canteen and compelled to stay within the guardhouse from evening till the reveille on week days, and the whole day on Sundays and public holidays, except when performing certain duties approved by the Command;

The party concerned shall be compelled to take a daily constitutional walk of 30 minutes during the period of seclusion.

3. Military Confinement: maximum of 15 days.

To be sentenced to military confinement shall exempt the party concerned from all duties. The punishment shall consist of continued detention in the cell for the whole duration of the sentence. However, the serviceman serving out one of these punishments may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

rticle 40: Deduction of a 1/4 of the Salary.

Concurrently with a disciplinary punishment, servicemen guilty of failing to maintain, causing the deterioration, loss, theft or total or partial destruction of items or other material belonging to the State may have a quarter of their salaries deducted until the costs of the damage are recovered in full.

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Paragraph 3. Disciplinary Measures.

Article 41: Principles.

Any serviceman having been liable to a disciplinary punishment or penalty meted out by a competent Court may be subject to a disciplinary measure to be specified by relevant organs.

No disciplinary measure can be inflicted as long as the facts of the case have not been ascertained, either by the disciplinary committees or the military Courts, as the case may be.

Disciplinary measures serve as a warning and may entail delay in promotion, removal from function or office, on a temporary or permanent basis.

Disciplinary measures shall be inflicted by the authority vested with the powers of appointment and promotion.

Article 42: Disciplinary Measures falling under the Government's Competence.

Disciplinary measures applicable to Officers shall be decided upon by the Cabinet at the proposal the Army Command High Council. Relevant Orders shall be signed, as the case may be, either by the President of the Republic or by the Prime Minister.

Article 43: Disciplinary Measures falling under the Competence of the Minister of Defence and the Army Command High Council.

The Army Command High Council, convening under the chairmanship of the Minister of Defence, shall give its ruling on cases involving Non-Commissioned Officers and decide on disciplinary action to be taken against them.

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The Minister of Defence shall sign the Order relating to the agreed disciplinary measures.

rticle 44: Disciplinary Measures falling under the Competence of the Army Headquarters.

The Army Headquarters shall rule on cases involving Corporals, Privates first class and privates, and shall adopt the required disciplinary measures.

The Chief of Staff shall sign Acts containing the disciplinary measures adopted by the Army Headquarters. The Act containing the disciplinary measure terminating the contract shall, however, be signed by the Minister of Defence.

rticle 45: Disciplinary Measures applicable to Officers.

1. Delay in Promotion.

Disciplinary punishments applicable to Officers of all ranks shall entailthe following delays in promotion:

- Three (3) months for one (1) admonition;
- Six (6) months for one (1) punishment consisting of an arrest with access;
- Nine (9) months for one (1) punishment consisting of an arrest without access.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

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2. Suspension of Military Duties.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Automatic Dismissal and Removal from Office.

Any Officer sentenced to a term of imprisonment exceeding six (6) months shall automatically be dismissed or removed from office. In any case, he shall be removed from Office if he was sentenced by a Criminal Court.

rticle 46: Disciplinary Measures applicable to Non-Commissioned Officers.

1. Delay in promotion.

Disciplinary punishments applicable to Non-Commissioned Officers of all ranks shall entail the following delays in promotion:

- Three (3)months for one (1) punishment consisting in a close arrest or two (2) punishments consisting in open arrests;
- Six (6) months one for (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement;
- Twelve (12) months for three (3) punishments consisting in military confinement.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of all Military Duties.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months shall be supended from all military duties for a period corresponding to the duration of the sentence.

3. Automatic Dismissal and Removal from Office.

Any Non-Commissioned Officer sentenced to a term of imprisonment exceeding six (6) months shall automatically be either dismissed or removed from Office. In any case, he shall be removed from Office if he was sentenced for a criminal offence.

4. Termination of Contract.

The contract shall be terminated for any Non-Commissioned Officer employed under Contract terms, sentenced to a term of imprisonment exceeding six (6) months.

rticle 47: Disciplinary Measures applicable to Men.

1 Delay in Promotion.

Disciplinary punishments applicable to Rank and File shall entail the following delays in promotion:

- Three (3) months for one (1) punishment consisting in an arrest in the guardhouse or two (2) open arrests;
- Six (6) months for one (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement;

- Twelve (12) months for three (3) punishments consisting in military confinement.

  Any Man sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

  These delays in promotion shall be effective after the concerned party has passed a promotion test.

2. Suspension of all Military Duties.

Any Rank and File sentenced to a term of imprisonment not exceeding six (6) months shall be supended from all military duties for a period corresponding to the duration of the sentence.

3. Termination of Contract

The contract shall be terminated for any Private, Private and 1st Class or any "Corporal" sentenced to a term of imprisonment exceeding six(6) months.

Paragraph 4: The Commission Responsible for the Drafting of Disciplinary Regulations.

Article 48: An Ad Hoc Joint Drafting Committee is hereby set up to prepare the integral text of the disciplinary regulations for the National Army.

The Committee shall be expected to start its work before 15th August, 1993 and complete it by 31st August, 1993. The Commission shall base its work on draft texts of disciplinary regulations worked out by each party.

The Joint Committee shall work under the chairmanship of the Commander of the Neutral Military Observer Group or a person appointed by him, the

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latter shall be in touch with the two parties so as to set up a working timetable.

Regulations drafted by the Joint Committee shall constitute the temporary disciplinary regulations for the National Army, pending their adoption by the Broad-Based Transitional Government, through a Presidential Decree.

aragraph 5. Military Courts and Criminal Investigation and Prosecution Department [Auditorat].

rticle 49: Military Courts shall be empowered to pass judgement on offences committed by servicemen and provided for by penal laws.

In accordance with Article 26 of the Protocol of October 30, 1992, the recognised Military Courts shall be: the War Councils and the Military Court. The Court of Cassation shall take cognizance of appeals against decisions by the Military Court.

The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Army Command High Council and General Officers. On appeal, their cases shall be heard in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Magistrates of Military Courts shall be fully independent in the exercise of their judicial functions. They shall independently assess cases referred to them and take decisions without being subjected to external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

The Magistrates of Military Courts shall be appointed, for a renewable period of twelve months, by the Cabinet at the proposal of the Army Command High Council and the Command Council of the Gendarmerie, referred to in Article 87 of the present Protocol, meeting in a joint session

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convened and chaired by the Minister of Defence. The Act of appointment shall be signed by the Prime Minister. The authority vested with the power of appointment may, at any moment, terminate the judicial functions of Magistrates of Military Courts deemed incompetent or unworthy of their posts.

The procedure followed for appointments shall be abided by in the termination of judicial functions of Magistrates of the Military Courts.

Article 50: A Military Criminal Investigation and Prosecution Department is hereby established and shall play the role of the Public Prosecution Department in Military Courts.

Section 4: Formation of the National Army.

Sub-Section 1: Process of the Formation of the National Army.

Article 51: The process of formation of the National Army shall be conducted in the following stages:

- Establishment of the Army Command High Council;
- Establishment of the Neutral International Force;
- Disengagement of forces;
- Integration operations;
- Training of servicemen;
- Deployment of troops in the Units.

Paragraph 1: Establishment of the Army Command High Council.

Article 52:

The Army Command High Council shall be established concomittantly with the Transitional Institutions.

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aragraph 2: The Neutral International Force.

rticle 53: Composition.

The Neutral International Force shall be under the responsibility and command of the United Nations and shall be composed of contingents provided by countries selected by the Secretary General of the United Nations. Before deciding on a definite list of those countries, he shall require the approval of the two parties.

The Neutral Military Observer Group (NMOG) may, with certain arrangements between all the parties concerned, be partly or entirely integrated into the Neutral International Force, or perform certain duties specifically entrusted to the Neutral International Force.

rticle 54: Missions.

The Neutral International Force shall have the following missions:

A. Overall Mission.

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.

B. Security Missions

1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs.

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2. Ensure the security of the distribution of humanitarian aids.

3. Assist in catering for the security of civilians.

4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country.

5. Undertake mine clearance operations

6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians.

7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement.

C. Missions of Supervising the Process of Formation of the National Army.

1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.

2. The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty.

   The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points.

3. Determine security parameters for the City of Kigali, in line with the objective of making it a neutral zone.

4. Supervise:

    - operations for the disengagement of forces, especially the movement of troops towards Assembly points, and servicemen moving to the Cantonment points for purposes of depositing heavy weapons;

    - the transformation of military barracks into Assembly or Cantonment points;

    - verifications following these operations.

5. Ensure that rules of discipline by servicemen inside and outside assembly points are observed.

6. Cross-check inventories of armaments and ammunitions of the two parties and monitor operations for the separation of heavy from light weapons.

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

8. Supervise operations for the identification of the military personnel to be carried out in the various Assembly points.

9. Supervise operations for the supplies to the troops in the Assembly points, it being understood that the supplies shall be confined to non lethal items.

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.

12. Assess the status of implementation of the formation process and make recommendations to the Broad-Based Transitional Government, the Army Command High Council and the Command Council of the National Gendarmerie.

aragraph 3: Disengagement of Forces.

rticle 55: Definitions.

An Assembly zone is a portion of the national territory within which the Assembly and Cantonment points of each of the two parties shall be located

Assembly points are centres where specific groups of servicemen of the two Forces shall be confined and their identification conducted. Those centres shall be the starting point of the formation, integration and demobilization process that shall be conducted under the supervision of the Neutral International Force.

Cantonment points are places identified for the storage of heavy weapons outside the Assembly points.

rticle 56: Demarcation of Assembly Zones.

The demarcation of Assembly zones shall be undertaken by the United Nations Reconnaisance Mission in collaboration with the NMOG, on the basis of the current positions of the two Forces. During this demarcation exercise, care will be taken to ensure that the following conditions are fulfilled:

1. The two assembly zones be separated by a demilitarized zone whose width shall be superior to the range of heavy artillery used in the conflict;

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2. Each Assembly zone shall contain all the Assembly and Cantonment points of the party concerned;

3. Within the Assembly zones, the Assembly points shall be located in such a way as to avoid clustering;

4. The Assembly and Cantonment points shall be located in such a way to allow the population to use its habitual property and facilities;

5. The Assembly zones shall be demarcated so as to avoid encirclement of one force by another.

rticle 57: **Identification of Assembly Points.**

Assembly points shall be identified by the International Neutral Force, in collaboration with each party within its Assembly zone. These points shall, as much as possible, be located on Government's Estates or Estates belonging to collectivities, and shall be located far from built-up areas.

In identifying an Assembly point, account shall be taken of viability requirements (availability of water, hospitable climate, etc.) and facilities for an easy organization of supplies, it being clearly understood that supplies refer to non lethal items.

rticle 58: **Movement of Troops towards Assembly Points.**

The Neutral International Force, in collaboration with the Army Command High Council, shall specify the date whereby elements of the two sides shall move towards the Assembly points after having deposited heavy weapons in the Cantonment points.

All the elements of the two Forces should join the Assembly points, except the administrative and support staff, whose composition and size shall be determined by the Neutral International Force, in collaboration with the Army Command High Council.

rticle 59: Command of the Assembly Point.

Each assembly point shall be under a Military Commander appointed by the party concerned.

The Military Commander shall be answerable to the Command to which he is accountable and to the Army Command High Council, with regard to the following:

- Staff discipline;
- Observance of the Peace Agreement by the troops, especially provisions relating to the definitive cessation of hostilities;
- Observance of directives and orders emanating from the Army Headquarters;
- Control of armaments, ammunition and other equipment belonging to Units within the Assembly point.

The Military Commander shall forward to the Army Headquarters a daily situation report specifying the personnel, equipment and ammunition in the Assembly point and relevant activities carried out in conformity with directives issued by the National Army Headquarters.

The Military Commander shall liaise the Command to which he is accountable and the Neutral International Force. The latter may, however, appoint its own liaison Officer.

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rticle 60: Security of Assembly Points.

The security of Assembly points shall be jointly ensured by contingents amounting to 10% of the total strength of those points and whose minimal size should be one hundred and twenty (120) men, and by members of the Neutral International Force.
The personnel of those contingents shall carry individual weapons only, and shall strictly be deployed within the Assembly points.

Additional security measures to be taken in each Assembly point shall be decided upon by mutual agreement between the Commander of the Assembly point and the Neutral International Force, taking into account the specificities of each Assembly point.

rticle 61: Guard of Arms, Ammunition and Military Equipment in the Assembly Points.

Once the troops arrive in the Assembly points, each party shall undertake identification of its troops and make an inventory of armaments and ammunitions.

The Army Command High Council and the Neutral International Force shall cross-check the inventory of arms and ammunition as well as the identification of servicemen.

All the troops confined in these points shall be deprived of their light or personal arms to be kept in magazines located in the same Assembly points under the joint guard of the Neutral International Force and the Force concerned. Light weapons required for training exercises in the Assembly point may, however, be put at the disposal of the Commander of the Assembly point, by the Neutral International Force when and as necessary These exercises shall be carried out in accordance with a programme known

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to the Army Command High Council and the International Neutral Force. The weapons utilized shall be returned to the depot upon completion of each round of exercise.

The Army Command High Council and the Neutral International Force shall specify the date for the storage of arms and ammunition. The same date shall apply for the storage of arms and ammunition in all Assembly points.

rticle 62: The Personal Identification File.

A personal identification file shall be opened for each serviceman as soon as they report to the Assembly point. The file shall include the following particulars:

> Family name and First name; Rank; Years of Service within the Rank; Regimental Number; Sex; Date of Birth; Marital Status; Being a Rwandese national; Type and Serial Number of Weapon; Specialization; Military or Civilian Diploma, Certificate or Brevet, Blood Group.

Shall be regarded as a Rwandese citizen any individual who considers himself to be Rwandese and whose parents or ancestors, or one of them, may be localized as a member of the national community dwelling in the territory recognized today as Rwanda.

The Army Command High Council may decide to include additional elements of identification such as a passport size photograph.

rticle 63: Troops' Activities in Assembly Points.

Troops may notably undertake the following activities in Assembly Points

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- Physical exercises and cultural and leisure-time activities;
- Activities planned within the framework of the first phase of the military training programme;
- replenishment of food, fuels, lubricants and medical supplies;
- maintenance and repair of equipment;
- infrastructure improvement and clearance of mines in their assembly point.

The Neutral International Force shall monitor the observance of this provision by each party.

rticle 64: Incidents or Ceasefire Violations.

In the event of incident or Ceasefire violation, Commanders of each echelon shall take immediate and appropriate action with regard to their troops, so as to put an end to that incident or violation.

Any Commander informed of an incident or violation shall immediately issue a warning to the perpetrators and, if they belong to his Unit, take adequate disciplinary action.

Without prejudice to any disciplinary action to be taken by the Unit Commander, the authors or those responsible for the incident or violation shall be liable to punishments specified by the Army Headquarters.

The Military Commander shall also be duty bound to report any incident or violation to his immediate superior, the Neutral International Force and the Army Headquarters.

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In the event of incident or violation, Units shall refrain from taking any retaliatory action and shall strive to avoid any action that may trigger escalation.

The Neutral International Force shall be informed of any incident or violation and shall track down the perpetrators.

rticle 65: Movement Outside the Assembly Point.

Servicemen in an Assembly point shall be forbidden to move outside that Assembly point without the permission of the Commander of the Assembly point. In any case, they shall be strictly forbidden to move about armed.

The Neutral International Force shall monitor the observance of this provision by each party.

rticle 66: Identification of Cantonment Points.

There shall be several Cantonment points located in the respective Assembly zones. Their ultimate number and their location shall be decided upon by the Commander of the Neutral International Force, after seeking the approval of the party concerned. Cantonment points shall be distant enough from Assembly points.

rticle 67: Definition of Heavy Weapons.

All weapons shall be considered as heavy weapons except pistols, UZZI sub-machine guns, sub-machine guns, rifles, light machine-guns (6.25 mm), medium machine guns (7.62 mm) and general-purpose machine guns (7.62 mm).

Armoured vehicles such as personnel carriers, tanks etc. helicopters and other military aircrafts belong to the category of heavy weapons.

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Upon the request of the Army Command High Council and the Command Council of the National Gendarmerie, the Neutral International Force or the expanded NMOG may authorize the use of those vehicles and aircrafts for specified missions.

rticle 68: Guard and Maintenance of Arms within the Cantonment Points.

The Cantonment points shall be under the only control of the Neutral Internal Force. Some members of the respective parties shall, however, be authorized by the Neutral International Force to visit the Cantonment points for purposes of servicing heavy weapons.

rticle 69: Ownership of Arms and Military Equipment in the Assembly and Cantonment Points.

The Military equipment based in Assembly or Cantonment points and stored in magazines located in the Assembly points shall be verified and an inventory and record kept. This equipment shall remain the property of either party until the completion of the integration of the two forces.

Thereafter, the Broad-Based Transitional Government shall, at the proposal of the Army Command High Council, decide on the fate of those arms, ammunition and military equipment.

rticle 70: Determining the Types of Light weapons for the National Army and the National Gendarmerie.

The Army Command High Council and the Command Council of the National Gendarmerie shall determine the type of light weapons for the National Army and the National Gendarmerie. Those weapons should be available at the training sites at the start of the integration process of the forces.

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Those weapons shall be made available by the ACHC and the CCNG and shall belong to the National Army and the National Gendarmerie respectively.

rticle 71: Uniforms and Insignia.

The uniforms and insignia of the National Army and the National Gendarmerie shall be determined by the Army Command High Council and the Command Council of the National Gendarmerie respectively.

rticle 72: Security Arrangements for the Establishment of Transitional Institutions in Kigali.

In general, security shall be catered for by the Neutral International Force and, in case of delay in its deployment, by the expanded NMOG of which the United Nations assumes responsibility in accordance with Article 53 of this Protocol.

The establishment of transitional institutions shall take place after the deployment of the Neutral International Force or the expanded NMOG and after the withdrawal of foreign troops. The withdrawal of foreign troops shall be imnplemented in accordance with modalities defined in the March 7, 1993 Dar es Salaam Communique.

In consultation with the Neutral International Force or the Expanded NMOG and the Rwandese Patriotic Front (RPF), the Coalition Government shall make available accomodations for RPF personalities who will be members of the transitional institutions.

In consultation with the Neutral International Force or the expanded NMOG, the Broad-Based Transitional Government shall provide accomodation and offices affording suitable security conditions to the members of the Army Command High Council and the Command Council

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of the National Gendarmerie. The members of these organs shall also be consulted.

In order to participate in catering for the security of its personalities, the RPF shall bring to Kigali a security unit whose size is equivalent to one (1) Infantry Battalion of six hundred (600) troops.

aragraph 4: Integration Operations

rticle 73: Criteria for the Selection of Servicemen in the National Army.

The selection of servicemen to constitute the National Army by each party and those to be demobilized shall be carried out in the Assembly points. Servicemen to constitute the National Army should meet the following criteria:

1. Officers:

They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.
- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for Army service, according to their specializations, unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen.
- be at least 21 years of age.

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2. Non-Commissioned Officers:

They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops:

They should:

- be volunteers;
- be serving in the Army;
- be Rwandese Nationals
- be physically fit;
- be at least 18 years old.

For all 3 categories of servicemen, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above

Each party shall determine independently the rank and seniority of each member of its force.

rticle 74: Proportions and Distribution of Command Posts.

During the establishment of the National Army, the proportions and distribution of Command posts between the two parties shall abide by the following principles:

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1. The Government forces shall contribute 60% of the forces and the RPF 40% of the forces for all levels apart from the posts ofCommand described below.

2. In the chain of Command, from the Army Headquarters to the Battalion, each party shall have a 50% representation for the following posts:

   Chief of Staff, Deputy Chief of Staff, Heads of Departments at the Army General Headquarters (G1, G2, G3, G4), Brigade Commanders, Seconds in Command of Brigades, Heads of Sections at Brigade Headquarters (S1, S2, S3, S4), Battalion Commanders and Seconds in Command of Battalions, Commanders and Seconds in Command of Specialized Units, namely: Paracommando, Reconnaissance, Military Police Battalions, and of Support Units, Engineering, Field Artillery, Anti-aircraft Artillery Battalions and the Logistics Center; Commanders and Seconds in Command of the Schools -ESM and ESO -and Commanders and Seconds in Command of the Training Centres in BIGOGWE and BUGESERA.

3. All top posts described above shall be distributed among the Officers of the Rwandese Government and those of the RPF in accordance with the principle of alternation.

   Thus, the Rwandese Government forces and the RPF forces shall supply an equal number of Brigade and Battalion Commanders, of Seconds in Command of Brigade and Battalion, of Heads of Department at the Army Headquarters, of Heads of Section at Brigade Headquareters; of Commanders and Seconds in Command of Specialized and Support Units, of Schools and Training Centers described above. However, neither force can hold at the same time the posts of Commander and Second in Command within the same Unit.

4. Without prejudice to Article 73, the proportions of the two forces in all the structures of the National Army shall be affected by no prerequisite condition in terms of accessibility. Thus, adequate training shall be given to the servicemen retained without fulfilling all the necessary requirements in accordance with the modalities determined by the Army Command High Council.

5. The post of Chief of Staff of the National Army shall be heldto the Government party and the one of Deputy Chief of Staff to the Rwandese Patriotic Front (RPF).

rticle 75: Specific Case of Officer Trainees in ESM and Non-Commissioned Officer Trainees in ESO.

The Trainees still following their studies in the Schools of the Armed Forces as well as servicemen undergoing short term training abroad shall be considered as active members of the Armed Forces.

The recruitment within the Armed Forces shall be frozen until the end of the Transition Period. The Broad-Based Transitional Government may, however, decide, after seeking advice from the Army Command High Council and the Command Council of the National Gendarmerie to resume admission to the School of Armed Forces before the end of the Transition Period.

aragraph 5: Training of the National Army.

rticle 76:

Elements of each Force selected to constitute the National Army shall undergo training for purposes of harmonizing techniques and achieving harmonious integration of servicemen.

rticle 77: Training Phases.

The training shall be carried out in two phases:

Phase 1: The separate training of servicemen of the Rwandese Armed Forces and the Rwandese Patriotic Army shall be conducted in their respective zones. This phase shall be aimed at preparing servicemen of both parties to live together in their future Units so as to constitute a single Army and do away with the spirit of antagonism nurtured by the war. The duration of the separate training shall be one month.

Phase 2: The joint training of the Units to constitute the National Army shall be dispensed to servicemen from the two Forces, in the same training centres.

That training shall be dispensed to servicemen to constitute the National Army and selected by each party, in accordance with the criteria spelled out under Article 73 of the present Protocol.

It shall, as much as possible, begin after the designation of servicemen within their Units.

This phase shall be aimed at harmonizing techniques of the two armies, nurturing the team spirit, enhancing the patriotic spirit and that of reconciliation. Such training shall be organized in training

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centres in three (3) batches composed of more or less than four thousand and four hundred (4,400) men. Each batch shall undergo a two-months training in the centres.

The duration of the joint training shall be 7 months, i.e.two (2) months training for each batch, and 2 x 15 days of preparation between the batches. Servicemen who will not be selected for the first batch shall be waiting in the Assembly points for their turn.

The Army Command High Council shall decide on the overall training programme as well as on the sequence of rotations in training centres.

The programme and calendar of training are attached of the present Protocol as Annex II and are an integral part of this Protocol.

rticle 78: Instructors.

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of servicemen to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of servicemen from both parties.

rticle 79: Joint Commission of Programmes

An Ad Hoc Joint Commission of Programmes is hereby set up and shall be responsible for the elaboration of syllabuses relating to all subjects to be taught during the separate and joint training periods. Those syllabuses

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should be made available before the disengagement of the forces of the two parties.

The said Commission shall start its work before 15th August, 1993 and shall be expected to be through by 31st August, 1993.

The draft syllabuses elaborated by each party shall constitute the basis for the work of the Commission.

The Commission shall work under the Chairmanship of the Neutral Military Observer Group Commander or a person appointed by him. The latter shall come into touch with the two parties so as to set up the calendar of work.

aragraph 6: Deployment of Troops in the Units.

rticle 80: The posting of Servicemen in the respective Units shall be carried out upon completion of the training of each batch.

After integration, the Army, composed of elements from the two parties, shall be called the 'NATIONAL ARMY'.

aragraph 7: The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces.

rticle 81: The Broad-Based Transitional Government shall take all necessary measures to ensure the integration of the armed forces from the two parties.

Upon its establishment, the Broad-Based Transtitional Government shall assume its responsibility towards the forces of the two parties in terms of Command, logistics, supply and welfare. To this end, the two parties shall provide numbers and names of the members of their respective forces.

The Neutral International Force or the expanded NMOG shall, as soon as possible, verify those names and numbers.

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The two forces, for whom the Broad-Based Transitional Government assumes responsibility, shall fall under its authority. The RPF shall then be considered as a political party or its equivalent.

CHAPTER II: THE NATIONAL GENDARMERIE.

Section 1: Definition, Missions and Principles.

Article 82: Definitions.

The National Gendarmerie is an armed force established to ensure the implementation of laws with a view to maintaining public order and security.

Article 83: Missions.

The National Gendarmerie shall fulfil the following missions:

1. Maintain and restore public order;
2. Prevent offences;
3. Trace offences and their perpetrators;
4. Carry out arrests in conformity with the law;
5. Perform police duties within the administration;
6. Perform, within the limits established by the law, prosecution and criminal investigation duties;
7. Enforce laws and regulations for which it was directly mandated,
8. Perform police duties in Courts and Tribunals;
9. Ensure the protection of people and property;

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10. Rescue and provide assistance to people in danger or distress;
11. Intervene in the event of disaster or calamity;
12. Perform traffic police duties throughout the national territory;
13. Ensure the security of airports;
14. Collaborate, within the framework of bilateral cooperation, with INTERPOL and counterpart Institutions of foreign countries;
15. Participate, within the framework established by the law, in the defence of the national territory.

rticle 84: Principles.

1. The National Gendarmerie, as an Institution, shall be governed by laws and regulations of the country. In its functioning and the performance of its duties, it shall observe the spirit and letter of International Conventions to which the Republic of Rwanda is a party.
2. The National Gendarmerie shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Fundamental Law, the laws, Democratic principles and the Rule of Law
3. The National Gendarmerie shall, in line with its mission to ensure public order and internal security within the limits of the principles enunciated above, act spontaneously and independently organize its activities, so as to fulfil that mission. It shall, therefore, be answerable to the Government with regard to internal security of the country.

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4. The National Gendarmerie shall submit reports to the administrative authority of the Area where it operates and shall regularly inform the latter about its activities.

5. The National Gendarmerie shall be a non partisan force. To this end, it shall always be guided, in the performance of its duties, by the supreme interest of the State and the public good, and shall perform its duties in an unbiased manner.

6. Members of the National Gendarmerie shall solely be recruited among Rwandese volunteer citizens, on the basis of their competence. The National Gendarmerie shall be open to any Rwandese nationals, irrespective of their ethnic group, region, sex and religion.

7. Each member of the National Gendarmerie should be easily identifiable by the public, by wearing insignias bearing either their name or regimental number, or both. Gendarmes usually wearing civilian clothes, because of their duties, should be able to produce their service cards to prove that they are gendarmes, whenever they are so required while performing their duties.
Members of the National Gendarmerie should be strictly courteous and polite in their relations with the public.
In the fulfilment of their mission, they shall not impose cruel, inhuman and degrading treatment on the public.

8. Members of the National Gendarmerie shall have the right to be informed on the socio-political life of the country. They shall receive civic and political education.

9. Members of the National Gendarmerie shall not be affiliated to political parties or any other association of a political nature. They shall neither take

part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public.

10. Members of the National Gendarmerie shall exercise their right to vote. Given the type of the current organization of the National Gendarmerie, however, its members shall not participate in local elections.

11. Members of the National Gendarmerie may stand for political elective posts, on condition that they resign from the Gendarmerie.

ection 2: Size, Structure and Organization.

Sub-Section 1: Size.

rticle 85:

The strength of the National Gendarmerie (Officers, Non-Commissioned Officers, Corporals and Gendarmes) shall be six thousand (6,000) men. The ratio between the various categories shall be 6% for Officers, 24% for Non- Commissioned Officers and 70% for Corporals and Gendarmes.

Sub-Section 2: Structure.

rticle 86:

The National Gendarmerie shall comprise:

1. A Command Council;
2. The Gendarmerie Headquarters;
3. A Security Committee;
4. Territorial Units;
5. Specialized Units;
6. Support and Service Units.

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The Organizational Chart of the National Gendarmerie is attached to the present Protocol as a Annex III, and is part and parcel of this Protocol.

Sub-Section 3: Organization of the National Gendarmerie.

aragraph 1: Command Council of the National Gendarmerie.

rticle 87: A Command Council of the National Gendarmerie (C.C.N.G.) is hereby established and shall, within the framework of the policy outlined by the Government, constitute an organ of consultation and decision-making in matters related to the organization and coordination of the activities of the National Gendarmerie. It shall be accountable to the Government through the Minister of Defence.

rticle 88: Setting up of the Command Council of the National Gendarmerie.

The Command Council of the National Gendarmerie shall be put in place at the same time as the Transitional Institutions.

rticle 89: Composition.

The Command Council of the National Gendarmerie shall be composed of

-The Chief of Staff of National Gendarmerie: Chairman

-The Deputy Chief of Staff of the National Gendarmerie: Deputy Chairman

-Commanders of "Groupements" (11): Members

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Article 90: **Functions.**

The Command Council of the National Gendarmerie shall exercise the following functions:

1. Work out modalities for the implementation of the Government policy with regard to public security in the country;

2. Ensure that the country's public security policy is implemented;

3. Decide, in line with the general policy of the Government, on the doctrine of utilization of the National Gendarmerie, through the establishment of mechanisms and strategies for the maintenance of law and order, and security as well as the best utilization of resources;

4. Establish guidelines for the organization of the supply of logistics;

5. Provide advice, either on its own initiative or upon the request of the Minister of Defence, on policy plans for the maintenance of public and order and security,the overall organization of the National Gendarmerie, the state of service of Gendarmes and any issue of general concern confronting the National Gendarmerie;

6. Ensure efficient organization and administration of the National Gendarmerie;

7. Study major issues confronting the Units and take decisions to be implemented by the National Gendarmerie Headquarters or make recommendations to the Minister of Defence for appropriate action;

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8. Supervise the conduct of the process of formation of the National Gendarmerie.

rticle 91: Meetings.

The Command Council of the Gendarmerie shall meet once a month in an ordinary session, upon convocation by its Chairman. The Chairman may call for an extraordinary session when and as needed, and especially on instruction from the Minister of Defence, or at the request of anyone of its members. The agenda of the Meeting shall be specified upon notification to attend;

rticle 92: Mode of Decision-Making.

Decisions shall be taken by consensus and communicated to the Minister of Defence;

Decisions or recommendations by the Command Council of the National Gendarmerie shall be conveyed to the echelons concerned through the Chief of Staff.

rticle 93: Rules of Procedure.

The Command Council of the Gendarmarie shall work own out its own rules of procedure.

aragraph 2: The National Gendarmerie Headquarters.

rticle 94: Missions of the Headquarters.

The Headquarters shall be an organ liaising between the National Gendarmerie, as an Institution, and the Executive power. It shall be responsible for the day-to-day administration and command of the National

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Gendarmerie. It shall implement decisions by the Command Council of the National Gendarmerie and coordinate activities of the National Gendarmerie, in accordance with directives issued by the Command Council.

rticle 95: Functions of the Headquarters of the National Gendarmerie.

The Headquarters of the National Gendarmerie shall have the following functions:

1. Day-to-day administration and command of the National Gendarmerie;
2. Coordinate activities of the National Gendarmerie;
3. implement decisions by the Command Council of the Gendarmerie and Security Committee;
4. Liaise, at the administrative level, the National Gendarmerie, as an Institution, with the Government, through the Ministry of Defence.
5. Conduct the process of formation of the National Gendarmerie and participate in the demobilization process within the framework of implementing the Peace Agreement, in collaboration with the Neutral International Force and under the supervision of the Command Council of the National Gendarmerie.

rticle 96: Command of the National Gendarmerie Headquarters.

The Headquarters shall be under the Command of the Chief of Staff, assisted by the Deputy Chief of Staff.

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The Chief of Staff shall be responsible for the National Gendarmerie Headquarters. However, all decisions shall, be taken upon mutual agreement between the Chief of Staff and the Deputy Chief of Staff.
The Deputy Chief of Staff shall especially be responsible for the supervision of activities entrusted to Departments 2 and 3 of the Headquarters. He shall be accountable to the Chief of Staff. He shall replace the Chief of Staff and dispose of all the matters in the event of the latter's absence or impediment.

rticle 97: Organization and Functions of the Departments of the National Gendarmerie Headquarters.

The National Gendarmerie Headquarters shall be composed of (four) 4 Departments with the following functions:

1. Department 1 (G1): Management of personnel.

2. Department 2 (G2): Security and intelligence.

    - Security of personnel and equipment of the National Gendarmerie
    - Gathering and use of intelligence relating to the Corps of the National Gendarmerie.

3. Department 3 (G3): Organization, training, education, operations, civic and political education.

    - Work out the doctrine of utilization of the National Gendarmerie;
    - Proposal on the organisational structure and deployment of Units;
    - Education and training;
    - Civic and political education;

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- Elaboration of plans for the maintenance of public order and security;
- Planning of daily and periodic activities within the National Gendarmerie.

4. Department 4 (G4): Logistics

- Participation in preparing the budget;
- Providing Units with supplies;
- Management of the National Gendarmerie patrimony.

aragraph 3: Security Committee of the National Gendarmerie.

rticle 98: A Security Committee is hereby established and shall constitute, within the framework of the management of internal security, an organ of consultation and decision-making in matters related to internal security within the National Gendarmerie.

rticle 99: Composition.

The Security Committee shall be composed of the following:

- The Chief of Staff of the National Gendarmerie:	Chairman
- The Deputy Chief of Staff of the National Gendarmerie:	Deputy Chairman
- The Chief of Criminal Investigation Service:	Member
- The Chief of Specialized Intelligence Service:	Member
- The Commander of the "Groupement" of Kigali City "Prefecture":	Member

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Article 100: Functions.

The Security Committee of the National Gendarmerie shall Study all major issues relating to the Internal Security of the country, and take decisions to be implemented by the National Gendarmerie Headquarters or make recommendations to the Command Council of the National Gendarmerie for appropriate action.

Article 101: Meetings.

The Security Committee of the National Gendarmerie shall meet once a week upon convocation of its Chairman, and when and as needed. The agenda of the meeting shall be specified in the notification to attend.

Paragraph 4: Territorial Units.

Article 102: Principle.

Each "Prefecture" shall have a Territorial Unit of the National Gendarmerie, referred to as "Groupement". The "Groupement" shall be deployed in Territorial Companies and the latter shall be deployed in stations of the National Gendarmerie.

Article 103: Deployment.

The Command Council of the National Gendarmerie shall undertake the deployment of the National Gendarmerie, taking especially into account the prevailing security situation.

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In any case, each "Sub-Prefecture" entity, or 3 to 4 "Communes" where there is no such "Sub-Prefecture" entity, shall be served by a Territorial Company.

In a like manner, a permanent station of the Gendarmerie shall be established in each Commune and/or each important rural centre. The Command Council of the National Gendarmerie shall draw a plan for the establishment of those permanent stations .

aragraph 5: Specialized Units.

rticle 104:

The National Gendarmerie shall be composed of the following Specialised Units:

1. A Criminal Investigation Service responsible for criminal investigation and technical police;

2. An Intervention Group to keep watch on sensitive or vital places in the country, intervene in the event of riots and neutralize armed gangs;

3. A Specialized Intelligence Service to gather and make use of intelligence relevant to public order and internal security;

4. A Republican Guard responsible for the security and protection of civilian authorities and personalities in the country and those from abroad. It shall also be responsible for the Guard of honour;

5. A Mobile Brigade responsible for motorized patrols, the pursuit and interception of criminals;

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6. A Road Safety Unit to perform traffic police duties;

7. A Unit for the Security of Airports, responsible for the security of Airports, Airports installations and the security of passengers;

8. A Fire Brigade to intervene in the event of fire, disaster and calamity;

9. A Dog Section responsible especially for the detection of drugs and explosives;

10. A Military Police to oversee the observance of discipline by Gendarmes.

aragraph 6: Support and Service Units.

rticle 105:

The National Gendarmerie shall be composed of the following Support Units and Service Units:

1. A General Headquarters Company;
2. A Logistic Services Group ;
3. A Band Unit;
4. Medical Services.

Paragraph 7: School of the National Gendarmerie

rticle 106: There is a School of the National Gendarmerie under the Gendarmerie Headquarters (EGENA).

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Section 3: Service within the National Gendarmerie.

Sub-Section 1: Terms of Service.

Article 107: Principle.

The service of a gendarme shall be under contract or permanent terms. Men as well as Non-Commissioned Officers with ranks of Sergeant and Staff Sergeant shall be employed under contract terms. The contract shall be valid for seven (7) years renewable once and applicable to the category of gendarmes aged between 18 and 40. Other gendarmes shall be employed under permanent terms.

Article 108: Ranks.

Ranks within the National Gendarmerie shall fall under three categories and follow each other as indicated below:

Category 1: Men.

- Gendarme
- Corporal

Category 2: Non-Commissioned Officers.

- Sergeant
- Staff Sergeant
- Sergeant Major
- Warrant Officer Class I
- Warrant Officer Class II

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Category 3: Officers.

1. Junior Officers.
    - Second Lieutenant
    - Lieutenant
    - Captain
2. Senior Officers.
    - Major
    - Lieutenant-Colonel
    - Colonel
3. General Officers.
    - Brigadier
    - Major-General
    - Lieutenant General.

Ranks of "Premier Sergent-Major", "Adjudant Principal" and "Commandant" are abolished. Gendarmes currently holding these ranks shall maintain them until they are promoted to higher ranks. They shall be the last ones to hold them. A new rank of Brigadier is hereby established

rticle 109: Correspondence between Functions and Ranks within the National Gendarmerie.

The correspondence between functions and ranks of Gendarmes shall be as follows:

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A. The National Gendarmerie Headquarters.

	Functions:	Ranks:
.	Chief of Staff:	Major-General, Brigadier, Colonel.
2.	Deputy Chief of Staff:	Major-General, Brigadier, Colonel.
3.	Head of Department in the National Gendarmerie Headquarters:	Colonel, Lieutenant-Colonel, Major.
.	Assistant Head of Department in the National Gendarmerie Headquarters:	Colonel, Lieutenant-Colonel, Major, Commandant, Captain.
5.	Commander of a Department Section in the National Gendarmerie Headquarters:	Lieutenant-Colonel, Major, Commandant, Captain
6.	Deputy Commander of a Department Section in the National Gendarmerie Headquarters:	Major, Commandant, Captain, Lieutenant
7.	Commander of Sub-Section of a Department Section in the National Gendarmerie Headquarters or Staff Officer in the National Gendarmerie:	Captain, Lieutenant, 2nd Lieutenant

B Units of the National Gendarmerie.

.	Commander of a "Groupement":	Colonel, Lieutenant-Colonel, Major
	Commander of the Intervention Group:	Colonel, Lieutenant-Colonel, Major

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Commander of the Republican Guard:	Colonel, Lieutenant-Colonel, Major
Second in Command of a "Groupement":	Lieutenant-Colonel, Major, Comman n Captain.
Second in Command of the Intervention Group:	
Second in Command of the Republican Guard:	
Commander of the Logistic Services Group:	
Second in Command of the Logistic Services Group:	Colonel, Lieutenant-Colonel, Major
	Lieutenant-Colonel, Major, Comma n
Chief of Specialized Intelligence Service:	Colonel, Lieutenant Colonel, Major, Commandant.
Deputy Chief of Specialized Intelligence Service:	Lieutenant Colonel, Major, "Comm da Captain.
Head of the Criminal Investigation Service:	Colonel, Lieutenant-Colonel, Major, Commandant.
Assistant Head of Criminal Investigation Service:	Lieutenant-Colonel, Major, Comma n Captain.
Military Police Commander:	Major, Commandant, Captain,

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	Airport Security Unit Commander:	
	Road Safety Unit Commander:	
	Mobile Brigade Commander:	
	General Headquarters Commander:	
	Fire Brigade Commander:	
0.	Assistant Military Police Commander:	Commandant, Captain, Lieutenant
	Assitant Airport Security Unit Commander:	
	Assistant Road Safety Unit Commander:	
	Assistant Mobile Brigade Commander:	
	Assistant General Headquarters Commander:	
	Assistant Fire Brigade Commander:	
1.	Band Company Commander:	Commandant, Captain
2.	Assistant Band Company Commander:	Captain, Lieutenant
3.	Commander of the Headquarters Section in:	Commandant, Captain, Lieutenant.
	- the "Groupement":	
	- the Intervention Group:	
	- the Republican Guard:	

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4.	A Commander of a Company in a battalion or Section Commander of the: - Specialized Intelligence Services: - Criminal Investigation Service, or - Logistic Services Group:	Commandant, Captain, Lieutenant
5.	Second in Command of the Company in a Battalion or Assistant Section Commander of the - Specialized Intelligence Service, - Criminal Investigation Service, - Logistics Service Group:	Commandant, Captain, Lieutenant.
16.	Head of a Department of the Fire Brigade:	Lieutenant, Second Lieutenant.
17.	Dog Section Commander:	Captain, Lieutenant.
18.	Deputy Dog Section Commander:	Lieutenant, Second Lieutenant.
19.	Platoon Commander:	Lieutenant, Second Lieutenant.
20.	Non Commissioned Officer of a "Groupement", Non Commissioned Officer of the Intervention Group,	Warrant Officer Class I, Warrant Off r II, Adjudant Principal.

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Non Commissioned Officer of the Republican Guard:

21.	Non-Commissioned Officer of a Company:	Premier Sergent Major , Sergeant Ma r, Sergeant.
22.	Gendarmerie Station Commander:	Sergeant Major, Staff Sergeant, Serge t.
23.	Section Commander:	Staff Sergeant, Sergeant.
24.	Assistant Section Commander:	Corporal.
25.	Team Leader:	Corporal.
26.	Judiciary Police Agent:	Corporal, Gendarme.

C. School of the National Gendarmerie (EGENA).

1.	Commander of the School of the National Gendarmerie:	Colonel, Lieutenant-Colonel
2.	Second in Command of the School of the National Gendarmerie:	Lieutenant-Colonel, Major.

D. Other Functions.

In addition to the functions mentioned above, there are other functions within the administrative, logistic and technical services of the National Gendarmerie which may be exercised by gendarmes holding various ranks provided for in the National Gendarmerie.

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rticle 110: Appointment of Members of the Command Council of the National Gendarmerie.

Members of the Command Council of the National Gendarmerie shall be appointed by the Cabinet, and Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement, signed on 30th October, 1992.

ticle 111: Appointment of General Officers and Senior Officers and their Promotion to Ranks and Functions.

General Officers and Senior Officers shall be appointed and promoted to ranks and functions by the Cabinet, upon recommendation of the Command Council of the National Gendarmerie.

Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement signed on 30th October, 1992.

ticle 112: Appointment of Junior Officers and their Promotion to Ranks and Functions.

Junior Officers shall be appointed and promoted to ranks and functions by the Cabinet, upon recommendation of the Command Council of the National Gendarmerie. Orders of their appointment shall be signed by the Prime Minister.

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rticle 113: Appointment of Non-Commissioned Officers employed under Statutory Terms and their Promotion to Ranks and Functions.

Non-Commissioned Officers shall be appointed and promoted to ranks and functions by the Command Council of the Gendarmerie, meeting under the chairmanship of the Minister of Defence, who will be the one to sign Orders of their appointment.

rticle 114: Employment, Posting and Promotion of Gendarmes Under Contract Terms.

All contracts for gendarmes employed under contract terms shall be signed by the Minister of Defence. To be employed, gendarmes must pass a national competitive examination , supervised by the Command Council of the Gendarmerie. Upon successful completion of the training programme, gendarmes shall be posted in units by the Command Council of the Gendarmerie at the proposal of the National Gendarmerie Headquarters Thereafter, promotions shall be made by the National Gendarmerie Headquarters at the proposal of the Unit Commanders.

rticle 115: Modalities of Promotion.

Modalities for the promotion to ranks shall be decided upon by the Government.
Gendarmes may move from a lower category to an upper category, especially after passing a test organized for that purpose.

rticle 116: Commisssioning.

Conditions and modalities of Commissioning to ranks or functions shall be specified by the Government.

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Article 117: **Transfers.**

Transfers from a Unit or Service to another Unit or Service and which do not affect the powers of appointment vested in other authorities, shall be made by the Chief of Staff upon delegation of powers by the Command Council of the National Gendamerie, and in consultation with the Units Commanders or those in charge of Services.

Transfers within Units and which do not affect the powers of appointment vested in other authorities shall be made by Commanders of those Units and the Chief of Staff shall be informed.

Article 118: **Secondment, Detachment and Transfer.**

Members of the National Gendarmerie may be seconded, detached or transfered to another Service. The authority vested with the power of appointment to gendarme ranks and functions shall take adequate measures to make available the gendarmes concerned by secondment, detachment or transfer.

Article 119: **Termination of Service.**

Resignation, leave without pay, dismissal as well as pensioning off shall be decided upon by the authority vested with the power of appointment or promotion.

Article 120: **Age of Retirement.**

The age of retirement shall be:

- 45 years for Non-Commissioned Officers employed on permanent terms and for Junior Officers;
- 50 years for Senior Officers

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- 55 years for General Officers.

Upon reaching the retirement age, gendarmes employed under permanent terms, and exercising specialized functions shall, however, benefit from a service extension and be employed under contract terms. In this case, they cannot expect to be promoted.

ub-Section 2: Disciplinary Regime for the National Gendarmerie, Military Courts and Criminal Investigation and Public Prosecution Department (Auditorat).

aragraph 1: Principles.

rticle 121: Breaches of discipline by gendarmes shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy who inflict disciplinary punishments as provided for.

Violations of penal laws by gendarmes shall be punished by Competent Jurisdictions which pass corresponding sentences provided in the said laws.

Disciplinary punishments and criminal sentences shall entail disciplinary measures affecting the career of gendarmes concerned.

aragaph 2: Disciplinary Punishments.

rticle 122:

Breaches of discipline which, according to the penal laws, fall short of violations shall entail disciplinary punishments. The disciplinary regulations shall specify the conduct of the gendarmes.

Disciplinary punishments shall be aimed at redressing the behaviour of individual gendarmes with a view to maintaining harmony and discipline

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within the Units and Services. It shall, therefore, be forbidden to transform disciplinary punishments into a means of harassement.

rticle 123: Disciplinary Committees.

Disciplinary Committees within each Unit are hereby set up to decide on breaches of discipline.

Two disciplinary Committees shall be set up at the level of the "Groupement", Specialized Unit, the Support Unit and the General Headquarters Company.

-A Disciplinary Committee composed of Officers to decide on cases involving Officers of the said "Groupement", the Specialized Unit or Support Unit, except those involving Commanders of the said Groupement and Units.

-A Disciplinary Committee composed of Officers, Non-Commissioned Officers,"Corporals" and Gendarmes deployed in the said"Groupement" and Unit.

Decisions taken by this Disciplinary Committee may be heard on appeal before the Disciplinary Committee responsible for deciding on cases involving Officers.

Depending on the size the Unit concerned, however, the Command Council of the National Gendarmerie shall decide whether it is appropriate to set up a Disciplinary Committee to rule on cases involving Officers.

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rticle 124: The Competence of the Command Council of the National Gendarmerie with regard to Discipline.

The Command Council of the National Gendarmerie shall give its ruling on cases involving "Groupement" Commanders and their Second in Command, Specialized Unit Commanders and their Second in command, and the Support Unit Commanders and their Second in command and the General Headquarters Company Commanders and their Second in Command.

The Command Council of the National Gendarmerie shall also rule on cases of appeals against disciplinary punishments given to Officers by disciplinary Committees of "Groupements", Specialized Units, Support Units, and the General Headquarters Company.

rticle 125: Appointment of Members of the Disciplinary Committees.

Members of disciplinary Committees shall be appointed by the Command Council of the National Gendarmerie for an indefinite period. The Command Council of the National Gendarmerie may replace them whenever it deems it appropriate.

Members of disciplinary Committees shall be fully independent in the execution of their duties. They shall independently assess cases referred to them and take decisions without being subjected to any external pressure. They shall not receive any order or injunction, especially from their immediate superiors.

rticle 126: The Competence of the Military Hierarchy with regard to Discipline.

Officers responsible for order and discipline within their Units shall be empowered to inflict punishments to defaulting Non-Commissioned

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Officers and gendarmes, such as cleaning fatigues: (cleaning of sanitary facilities, etc.); and non exhausting physical exercises: (push-ups, hopping, long- distance running, etc.).

Punishments inflicted by the military hierarchy shall not be recorded in the personal file of the punished gendarme and, therefore, shall not entail disciplinary measures.

Furthermore, Unit Commanders shall have the power of provisional arrest, not exceeding 48 hours, over any defaulting gendarme under their authority. The Disciplinary Committee shall also be a forum to give ruling on appeals against excessive punishments inflicted by the military hierachy.

rticle 127: Disciplinary Punishments Applicable to Officers.

1. The Admonition: Written note reprimanding the addressee.
2. Arrests with Access: maximum of 21 days.

   Under such arrests, the party concerned shall be under obligation to be confined within his residence without a possibility of leaving, except : performing his duties, taking his meals and carrying out duties approved by the Command. The punishment decision shall specify whether visitors are allowed or not.

3. Arrests without Access: maximum of 15 days.

   Under such arrests, the party concerned shall be exempted from any services. He shall be suspended from all gendarme duties and forbidden to leave his residence, except for taking his meals, or peforming duties approved by the Command. He shall be formally barred from receiving visitors, except as the service may require. This suspension shall not be taken into account when pension is calculated.

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rticle 128: Disciplinary Punishments applicable to Non-Commissioned Officers.

1. Open Arrests: maximum of 21 days.

   This punishment shall not exempt the party concerned from performing his duties. They shall consist in barring the party concerned from leaving the quarters, except for attending to his duty and performing certain tasks approved by the Command, from participating in any collective recreation or attending any entertainment organized within his quarters, or using the Canteen.

2. Close Arrests: maximum 21 days.

   This punishment shall not exempt the party concerned from performing his duties. The party shall be under obligation to stay indoors without a possibility to leave, except to attend to his duties and other tasks approved by the Command. No visitors shall be allowed. In the case of single Non-Commissioned Officers, meals shall be taken to them by those who are on week duty in the camp.

3. Arrests in the Military Prison: maximum of 15 days.

   To be sentenced to military prison shall exempt the party concerned from all duties. The punishments shall consist in continued detention in the cell for the whole duration of the sentence. However, the gendarme serving out such a punishment may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out certain duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

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rticle 129: Disciplinary Punishments Applicable to Men.

1. Open Arrests: maximum of 21 days.

This punishments shall not exempt the party concerned from performing his duties. They shall consist in barring the party concerned from leaving the quarters, except for attending to his duty and performing certain tasks approved by the Command, from participating in any collective recreation or attending any entertainment which may be organized within his quarter, or using the Canteen.

2. Arrests in the Guard House: maximum of 21 days.

The party concerned shall not be exmpted from performing his duties;

He shall be forbidden to leave the quarters, except for performing his duty and performing tasks approved by the Command;

He shall be forbidden to participate in any collective recreation or attend any entertainment which may be organized in the quarters;

He shall be forbidden to go to the canteen and compelled to stay within the guard-house from evening till the reveille on week days, and the whole day on Sundays and public holidays, except when performing duties approved by the Command;

The party concerned shall be compelled to take a constitutional walk of 30 minutes every day, during the period of his confinement.

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3. Solitary Confinement: maximum of 15 days.

To be sentenced to solitary confinement shall exempt the party concerned from all duties. The punishment shall consist in continued detention in the cell for the whole duration of the sentence. However, the gendarme serving out such a punishment may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out certain duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

rticle 130: Deduction of a 1/4 of the Salary

Concurrently with disciplinary punishment, gendarmes guilty of failing to maintain, causing the deterioration, loss, theft or total or partial destruction of items or other material belonging to the State may have 1/4 of their salaries deducted until the costs of the damage are defrayed in full.

aragraph 3. Disciplinary Measures.

rticle 131: Principles.

Any gendarme having been liable to a disciplinary punishment or penalty meted out by a competent Court may be subject to disciplinary measures to be specified by relevant organs.

No disciplinary measure can be inflicted as long as the facts of the case have not been ascertained either by the disciplinary committees, or the Courts.

Disciplinary measures shall constitute a warning and shall entail delay in promotion, removal from office, employment or rank on a temporary or permanent basis.

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Disciplinary measures shall be inflicted by the authority vested with the powers of appointment and promotion.

rticle 132: Disciplinary Measures falling under the Competence of the Government.

Disciplinary measures applicable to Officers shall be decided upon by the Cabinet at the proposal of the Command Council of the National Gendarmerie. Relevant Orders shall be signed, as the case may be, either by the President of the Republic or the Prime Minister.

rticle 133: Disciplinary Measures falling under the Competence of the Minister of Defence and the Command Council of the National Gendarmerie.

The Command Council of the National Gendarmerie convening under the chairmanship of the Minister of Defence, shall give its ruling on cases involving Non Commissioned Officers and decide on disciplinary measures to be taken against them.

The Minister of Defence shall sign the Order relating to the disciplinary measures agreed upon.

rticle 134: The Competence of the Gendarmerie Headquarters.

The Gendarmerie Headquarters shall rule on cases involving Corporals and Gendarmes and take the necessary disciplinary measures.

The Chief of Staff shall sign the Orders containing the adopted disciplinary measures taken by the Headquarters. However, the Order containing the disciplinary measure terminating the contract shall be signed by the Minister of Defence.

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rticle 135: Disciplinary Measures applicable to Officers.

1. Delay in Promotion.

Disciplinary punishments applicable to Officers of all ranks shall entail the following minimum delays in promotion:

- Three (3) months for one (1) admonition;
- Six (6) months for one (1) punishment consisting in an Arrest with Access;
- Nine (9) months for one (1) punishment consisting in an Arrest without Access.

Any Officer sentenced to a term of imprisonment not exceeding six (6months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension from Service.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all service for a period corresponding to the duration of the term of his sentence.

3. Automatic Dismissal and Removal from Office.

Any Officer sentenced to a term of imprisonment exceeding six (6) months shall be automatically either dismissed or removed from Office. In any case, he shall be removed from Office, if he was prosecuted and sentenced for a criminal offence.

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rticle 136: Disciplinary Measures applicable to Non-Commissioned Officers.

1. Delay in Promotion.

Disciplinary punishments applicable to Non-Commissioned Officers of all ranks shall entail the following delays in promotion:

- Three (3) months for a punishment consisting in one (1) close arrest or two (2) open arrests;
- Six (6) months for one (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement.
- Twelve (12) months for three (3) punishments consisting in military confinement.

. Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of all Gendarme Duties.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months shall be supended from all gendarme duties for a period corresponding to the duration of the term of his sentence.

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3. Automatic Dismissal and Removal from Office.

Any Non-Commissioned Officer employed under statutory terms sentenced to a term of imprisonment exceeding six (6) months shall automatically be either dismissed or removed from Office. In any case, he shall be removed from Office if he was sentenced for a criminal offence.

4. Termination of Contract.

The contract shall be terminated for any Non-Commissioned Officer employed under Contract Terms sentenced to a term of imprisonment exceeding six (6) months.

rticle 137: Disciplinary Measures applicable to Men.

1. Delay in Promotion.

Disciplinary punishments applicable to Men of all ranks shall entail the following delays in promotion:

- Three (3) months for one (1) punishment consisting in one (1) arrest in the guardhouse or two (2) open arrests;
- Six (6) months for one (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement.
- Twelve (12) months for three (3) punishments consisting in military confinement.

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Any man sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period ranging between six (6) and twelve (12) months.

These delays shall only be effective after the party concerned has passed a promotion test.

2. Suspension from Service.

Any man sentenced to a term of imprisonment not exceeding six (6) months shall be supended from service for a period corresponding to the duration of the term of his sentence.

3. Termination of Contract.

The contract shall be terminated for any Gendarme or any Corporals sentenced to a term of imprisonment exceeding six (6) months.

Paragraph 4: Committee Responsible for Drafting Regulations of the National Gendarmerie.

Article 138: The Ad Hoc Joint Committee responsible for the drafting of the regulations for the National Gendarmerie referred to in Article 48 of the present Protocol shall be set up to draft rules and regulations of the National Gendarmerie, under the same conditions as specified under that Article

Paragraph 5: Military Courts and Criminal Investigation and Prosecution Department (Auditorat).

Article 139: In criminal matters, Members of the National Gendarmerie shall be heard by Military Courts specified in Article 26 of the Protocol of Agreement of 30th October, 1992.

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rticle 140: The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Command Council of the National Gendarmerie and the General Officers. On appeal, their cases shall be heard by the Supreme Court in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Military Criminal Investigation and Prosecution Department provided for in Article 49 of the present Protocol shall be empowered to prosecute judgement on offences committed by members of the National Gendarmerie.

ection 4: Formation of the National Gendarmerie.

rticle 141: Criteria for the Selection of Members of the National Gendarmerie.

The selection of gendarmes to constitute the National Gendarmerie by each party and those to be demobilized shall be carried out in the Assembly points.

Gendarmes to constitute the National Gendarmerie should meet the following criteria:

1. Officers:

They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.
- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for the National Gendarmerie service, according to their

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specializations, unlike the disabled gendarmes who shall be ....demobilized but assisted. This shall apply to all categories of gendarmes.

- be at least 21 years of age.

2. Non-Commissioned Officers:

They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops:

They should:

- be volunteers;
- be serving in the Rwandese Armed Forces or in the Rwandese Patriotic Front Forces;
- be Rwandese Nationals
- be physically fit;
- be at least 18 years old.

For all 3 categories of gendarmes, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above.

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rticle 142: Training of the National Gendarmerie.

The joint training shall be organized in three batches of two thousand (2,000) men each. The joint training shall cover a period of ten (10) months, i.e. three months of training per batch, and 2 x 15 days of preparation in between the batches.

The gendarmes who will not be selected for the first batch shall wait for their turn in the gendarmerie camps, which would have been transformed into Assembly points under the supervision of the Neutral International Force.

The Command Council of the National Gendarmerie and the Neutral International Force shall see to it that among the gendarmes who have not yet received joint instruction, there shall not, at any given moment, be more than one thousand, eight hundred (1,800) gendarmes in service throughout the national territory.

These gendarmes on duty shall carry only individual weapons, namely, pistols and rifles. The Broad-Based Transitional Government may, if the need arises, increase this number.

rticle 143: Instructors.

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of gendarmes to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of gendarmes from both parties.

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rticle 144: Proportions and Distribution of Posts of Command.

During the establishment of the National Gendarmerie, the proportions and distribution of command posts between the two parties shall abide by the following principles:

1. The Government forces shall contribute 60% and theRPF 40% of the forces for all levels apart from the posts of command described below.

2. In the chain of Command, from the general headquarters of the National Gendarmerie to the level of Groupement, each party shall have a 50% representation for the following posts: Chief of Staff, Deputy Chief of Staff, Heads of Department at the General Headquarters (G1, G2, G3, G4); Commanders and Seconds in Command of Groupement; Heads of Sections at the Groupement Headquarters (S1. S2, S3, S4), Commanders and Seconds in command of Specialized and Support Units, namely: Republican Guard, Intervention Unit, Logistic Services Group, Specialized Intelligence Service and Criminal Investigation Service, and Commander and Second in Command of EGENA.

3. All top posts described above shall be equally shared between the officers of the Rwandese Government and those of the RPF in accordance with the principle of alternation.

   Thus, the Government forces and those of RPF shall provide respectively (6 and 5 or 5 and 6) Commanders of Groupement, (5 and 6 or 6 and 5) Seconds in Command of Groupement, and equal number of Heads of Sections at the Groupement Headquarters and

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Seconds in Command of Specialized Units as described above and of EGENA.

However, neither force shall hold at the same time the posts of Commander and Second in Command within the same Unit.

4. Without prejudice to Article 141 of this Protocol, the proportion of the two forces in all the structures of the National Gendarmerie shall be affected by no prerequisite condition in terms of accessibility. Thus, adequate training shall be given to the Gendarmes retained without fulfilling all the necessary requirements, in accordance with the modalities specified by the Command Council of the National Gendarmerie.

5. The post of Chief of Staff of the National Gendarmerie shall be held by the Rwandese Patriotic Front (RPF) and the one of Deputy Chief of Staff by the Government party.

rticle 145: Specific Case of Officer Trainees in ESM and Non-Commissioned Officer Trainees in ESO.

The Trainees still following their studies in the Schools of the Armed Forces as well as gendarmes undergoing short-term training abroad shall be considered as active members of the Armed Forces.

The recruitment within the National Gendarmerie shall be frozen until the end of the Transition Period. The Broad-Based Transitional Government may, however, decide, after seeking opinion from the Command Council of the National Gendarmerie to resume admission to the Schools of the Armed Forces before the end of the Transition Period.

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Section5: Collaboration between the National Gendarmerie and the Communal Police.

rticle 146: The Communal Police, under the Communal authority shall, in addition to its exclusive functions, assist the National Gendarmerie in the fulfilment of its general mission of maintaining public order and security.

The National Gendarmerie shall assist the Ministry of Interior and Communal Development in the training and retraining of the Communal Police.

At the Communal level, the Commander of the Gendarmerie Station shall supervise the training and daily operations of the Communal Police. However, only the Communal Police shall carry out operations related to the implementation of police regulations enacted by the Local Administrative Authority.

HAPTER III. DEMOBILIZATION PROCESS.

ECTION 1: Principles.

rticle 147: Elements of the two Forces, namely the Rwandese Armed Forces and the RPF Forces which shall not have been retained among the nineteen thousand (19,000) servicemen and gendarmes shall be demobilized.

rticle 148: Each party, i.e. the Coalition Government on the one hand, and the RPF on the other, shall specify those elements among its personnel to be demobilized and make a list of them.

rticle 149: Demobilization is a process begining with the formal publishing of lists of servicemen to be demobilized and ending with the final implementation of the process of integration of the demobilized personnel into civil life, in accordance with the timetable attached to the present Protocol as Annex IV

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The publishing of lists shall only take place after the disengagement and verification by the competent organs have been conducted and upon completion of the joint training phase. Servicemen to be demobilized shall remain under the responsibility of the Broad-Based Transitional Government until they have been posted, taking into account their categories.

Article 150: Upon completion of the separate training, elements to be demobilized may be put together in separate Assembly points within the respective zones. The Command Council of the National Gendarmerie shall decide, depending on the circumstances, on the need to put them together, taking especially into account the social administration requirements for the elements to be demobilized.

Article 151: Demobilization shall be a gradual process which shall adapt itself to the programme of integration of each demobilized serviceman, in line with the timetable for the demobilization attached as Annex IV.

Article 152: Upon the completion of the demobilization process, each serviceman/gendarme shall be given a demobilization certificate. This certificate is a document testifying that the holder is an ex-serviceman and he/she is entitled to certain benefits given to war veterans.

The Certificate shall testify that the military or gendarme services are terminated and that the bearer was properly demobilized. Copies of that certificate shall be kept within the Ministry of Defence, the Ministry of Interior and Communal Development as well as the Secretariat of State for Rehabilitation and Social Integration.

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A card for ex-servicemen shall also be issued to the demobilized personnel and shall especially bear the following particulars: family name, first name, rank, domicile, a photo, date of birth, certificate number and date of issuance.

ection 2: Demobilization Modalities.

ub-Section 1: General Conditions.

rticle 153: Lumpsum Demobilization Allowance.

Each serviceman/gendarme to be demobilized shall be paid a lumpsum demobilization allowance in constant value of Rwandese Francs, amounting to:

- One hundred thousand (100,000) RWF for Corporals, Privates and Gendarmes.
- Two hundred thousand (200,000) RWF for Non-Commissioned Officers - 2nd Category
- Three hundred thousand (300,000) RWF for Non-Commissioned Officers - 1st Category
- Four hundred thousand (400,000) RWF for Junior Officers
- Five hundred thousand (500,000) RWF for Senior Officers

The Broad-Based Transitional Government shall specify modalities of the distribution of those allowances.

rticle 154: The Invalid and Handicapped.

The invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician,shall be paid a monthly invalidity

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allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools.

ub-Section 2: Specific Modalities for Demobilization per Categories of the Personnel to be Demobilized.

rticle 155: The personnel having the means to take care of their own integration into civil life shall be discharged upon completion of usual formalities.

rticle 156: The personnel to be directly absorbed into the civil service shall be demobilized as soon as the absorption capacities of that sector will have been communicated.

rticle 157: The personnel to undergo a short or long training or follow familiarization programmes shall be demobilized as soon as opportunities for their training shall have been confirmed.

rticle 158: The handicapped or invalid shall take advantage of special programmes designed for socio-economic integration. They shall fall under the responsibility of the Secretariat of State for Rehabilitation and Social Integration as soon as possibilities of their integration will have been identified.

rticle 159: The personnel whose integration in the civil life shall be contingent upon integration in the Rwandese society, provided for in the Repatriation Programme shall be under the responsibility of the organs responsible for the implementation of the repatriation programme,as soon as such bodies are in a position to implement those programmes.

rticle 160: The personnel who do not fall under any of the above categories shall be demobilized as soon as the Secretariat of State for Rehabilitation and Social Integration and the competent Organs shall be in a position to make room for job opportunities for them.

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ection 3: Follow-up of the Demobilized Personnel.

rticle 161: The issue pertaining to the reserve of the National Army and to the compulsory national service shall be considered by the Broad-Based Transitional Government for appropriate action. The demobilized personnel may, on their own volition, become members of the Reserve.

rticle 162: The Secretariat of State for Rehabilitation and Social Integration shall include a Service responsible for the implementation of the programme of integration of the demobilized personnel in the socio-economic life. It shall also ensure the follow-up of the demobilized personnel after their social integration. The Government shall specify modalities of collaboration between the Secretariat of State for Rehabilitation and Social Integration and other departments concerned with the matters of the demobilized personnel, especially the Ministry of Defence and the Ministry of Labour and Social Affairs.

rticle 163: The Army Command High Council and the Command Council of the National Gendarmerie shall decide whether it is appropriate and on the time for the separation of the personnel selected to constitute the National Army and the National Gendarmerie from those to be demobilized, and shall take into account the administrative facilities required by the social services responsible for the discharge and reintegration of the demobilized personnel.

Done at Arusha on 3rd day of August, 1993 in Both French and English Languages, the French text being the original.

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For the Government of the Republic of Rwanda

Dr. GASANA Anastase
Minister of Foreign Affairs and Cooperation

For the Rwandese Patriotic Front

BIZIMUNGU Pasteur
Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of the Representative of the Facilitator
(the United Republic of Tanzania)

Joseph RWEGASIRA
Minister of Foreign Affairs and International Cooperation

In the Presence of the Representative of the Secretary General of OAU

Mapuranga

Dr. M. T. MAPURANGA
Assistant Secretary General in charge of Political Affairs

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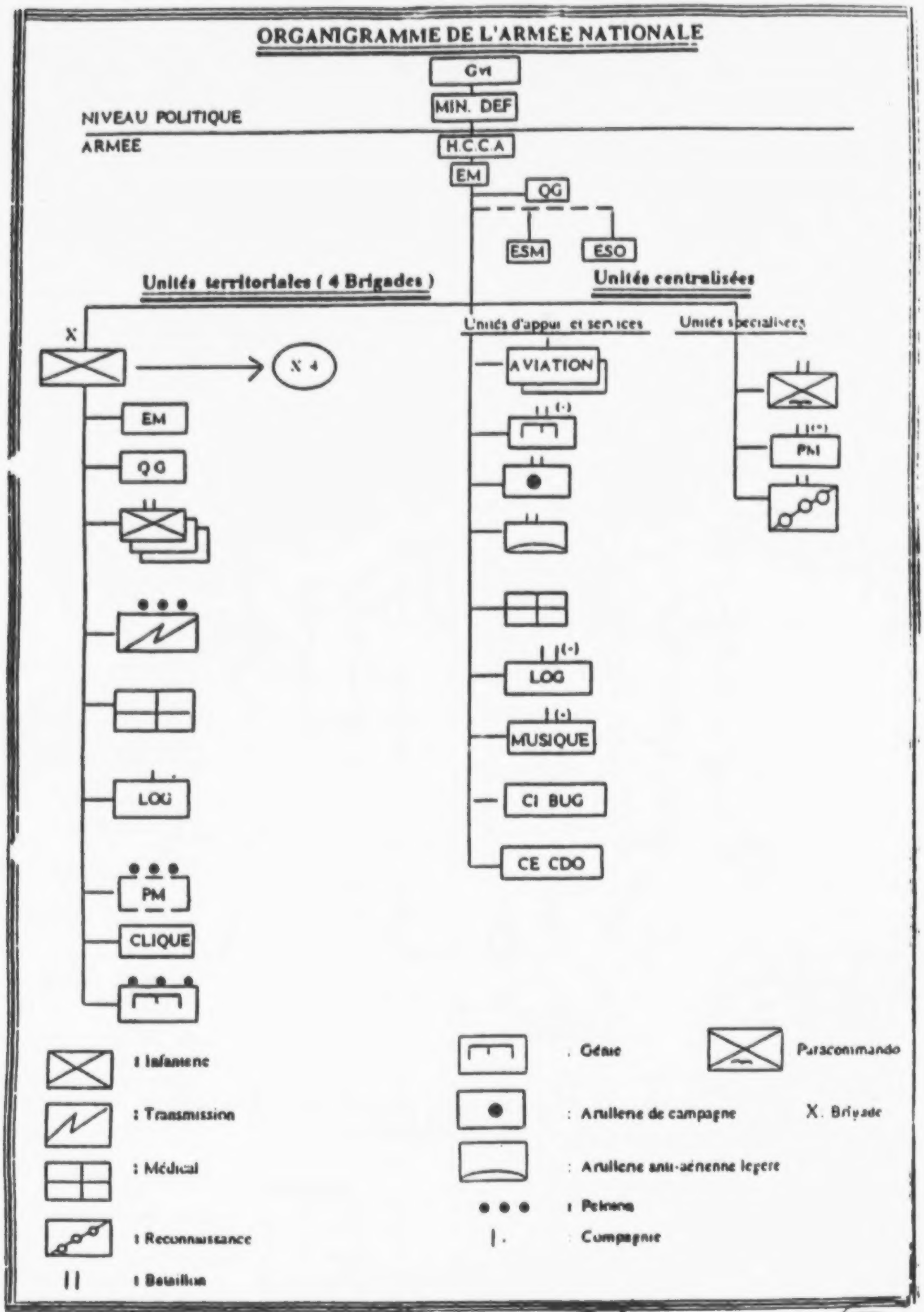
Annexe I



ORGANIGRAMME DE L'ARMÉE NATIONALE

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Annexe II

PROGRAMME ET CALENDRIER D'INSTRUCTION

MOIS ACTIVITES	-1	1	2	3	4	5	6	7	8	THEMES INDICATIFS DU PROGRAMME DE FORMATION
A. Session d'échanges pour Officiers supérieurs des deux parties.	■	■	■	■	■	■	■	■		SEMINAIRES: Edifier la confiance entre les cadres des Forces des deux parties.
B. Formation des instructeurs rwandais	▬									Programme spécifique de formation des instructeurs.
C. Formation séparée pour tous les membres des deux forces belligérantes dans leurs zones respectives.		▬								GUERRE: Expliquer les causes et les conséquences de la guerre ainsi que les mécanismes adoptés pour y mettre fin. RECONCILIATION NATIONALE: Identifier les actes et les valeurs pouvant favoriser la réconciliation (unité nationale, respect des lois, de la Loi Fondamentale, des principes démocratiques et ceux de l'Etat de droit). ACTIVITES CULTURELLES ET SPORTIVES: Organiser les activités culturelles et sportives.
D. FORMATION CONJOINTE PAR UNITE:										NOTIONS DE DEFENSE DU TERRITOIRE: -Expliquer le bien-fondé d'une Armée Nationale (Menaces, principes de défense, environnement géopolitique...). ACCORD DE PAIX. -Expliquer la structure, l'organisation et les missions de l'Armée Nationale ainsi que les principes régissant celle-ci.
1. Premier roulement des militaires formant l'Armée Nationale.			▬	▬						
2. 2ème roulement.			⋯	⋯	▬	▬				
3. 3ème roulement.			⋯	⋯	⋯	⋯	⋯	▬	▬	

										-Faire acquérir la déontologie de la vie militaire.
										-Expliquer les différentes institutions administratives et politiques du pays, respect des lois, de la Constitution, les principes démocratiques et ceux de l'Etat de droit ainsi que le statut d'un militaire dans la mouvance politique (neutralité politique, droits de l'homme,etc.)
										TECHNIQUES MILITAIRES: Harmoniser les techniques militaires de base (armement, tactique, règlements, etc...).
										ACTIVITES CULTURELLES ET SPORTIVES.

N.B.: .... Durée d'attente.

▬ Durée d'instruction.

▪ ▪ Période d'organisation de Séminaires.

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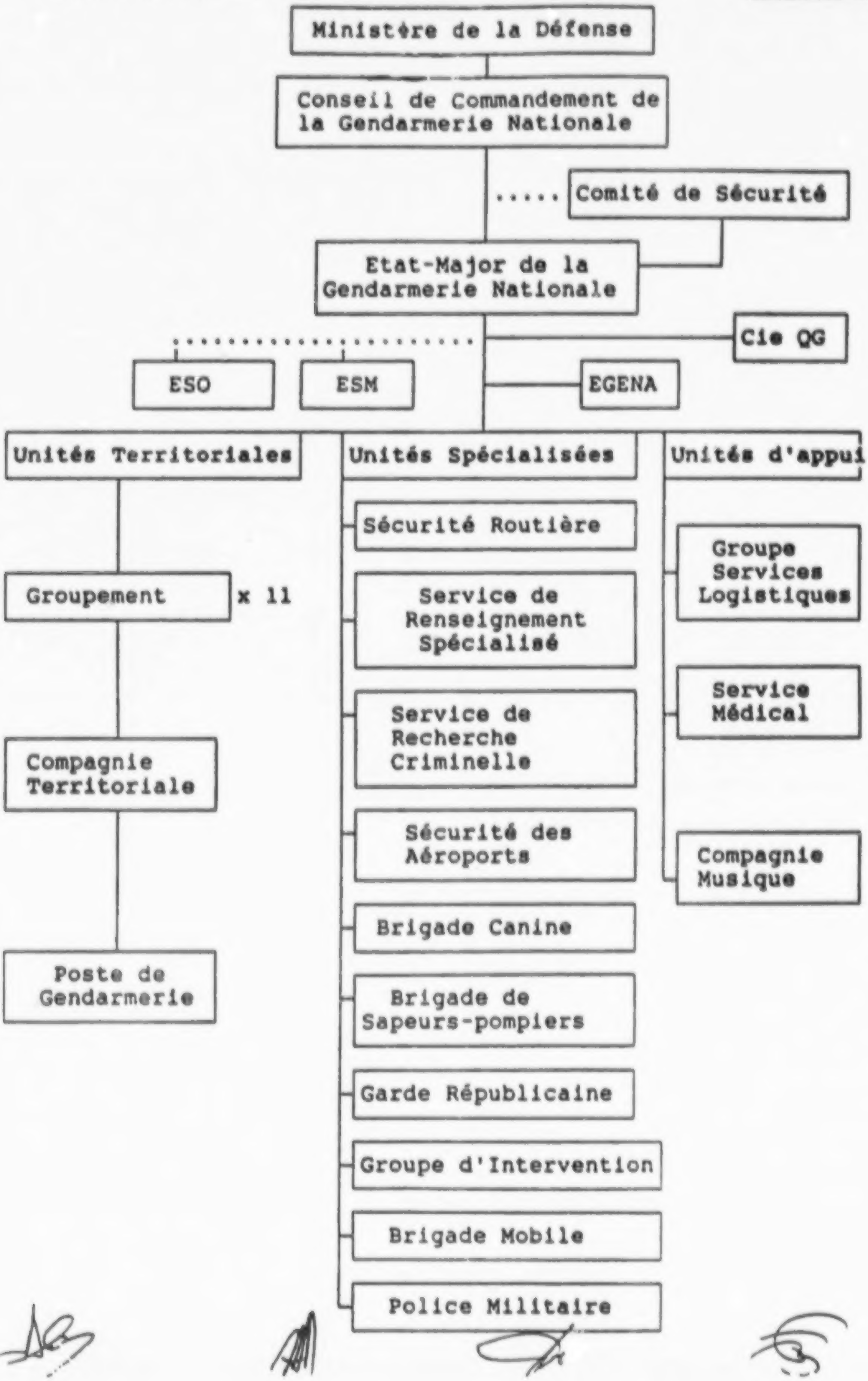
ORGANIGRAMME DE LA GENDARMERIE NATIONALE

Annexe III



Annexe IV

CALENDRIER DE DEMOBILISATION

MOIS ACTIVITES	1	2	3	4	5	6	7	8	9	Observations
1. Etablissement dans les points de rassemblement	■									
2. Actions d'adaptation (sensibilisation, relevé des divers problèmes à collecte d'avis, harmonisation des idées...) préparation d'insertions (2 mois)		■	■	■						N.B.: Organes civils entrent en jeu.
3. Exercice de placement:										
3.1 Catégorie de ceux qui sont prêts à être absorbés par la fonction publique et les services para-étatiques					■	■	■			Après l'exercice d'orientation ils peuvent quitter
3.2 Transfert au Secrétariat d'Etat de la catégorie de ceux qui sont prêts à suivre une formation de longue durée.				■	■	■	■	■		Après l'exercice d'orientation et de catégorisation leurs cas seront transférés au Secrétariat d'Etat.
3.3 Transfert au Secrétariat d'Etat de la catégorie de ceux qui sont prêts à suivre une formation de courte durée					■	■				Idem qu'au point 3.2
3.4 Catégorie de ceux qui sont prêts à quitter le plutôt possible et à se débrouiller.			■							Après l'exercice de la sensibilisation, ils peuvent quitter.
3.5 Catégorie de ceux qui ne peuvent ni être placés à la fonction publique, ni aller à l'école ni se débrouiller.				■	■	■	■	■	■	Le Secrétariat d'Etat doit dans les six mois qui suivent l'ex. d'orientation et de catégorisation pouvoir placer ces personnes.
3.6 Catégorie des invalides							■	■	■	Idem que 3.5 -centres des handicapés -programmes d'activités -formateurs.
3.7 Catégorie de ceux qui doivent être pris en compte par le programme de rapatriement.							■	■	■	-Dans l'exercice de rapatriement des réfugiés, le Secrétariat d'Etat doit tenir en considération, de manière prioritaire le cas des militaires démobilisés.
4. Octroi du certificat d'ancien combattant et notification au MINADEF, au MININTER, et au SECRETARIAT à la REHAB. et à l'INTEGRATION SOCIALE.			■	■	■	■	■	■	■	

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ANNEX VII

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON MISCELLANEOUS ISSUES AND FINAL PROVISIONS

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions:

HAPTER I: STATE SECURITY SERVICES

ection 1: Communal Police, Prisons Services, and the Public Prosecution Department.

rticle 1: Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

. COMMUNAL POLICE.

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the Police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.

2. Improve and enhance the level of training of the Communal Police Force and adapt it to suit its specific tasks.

3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the Communal Police.

4. Define the modalities of collaboration between the Communal Police Force and other Security Organs.

5. Evaluate and improve on the performance of the Communal Police Force.

B. PRISONS SERVICES.

1. Update the legal provisions and regulations governing prison warders and Guards.

2. Improve and enhance the level of training of prison warders and Guards, by providing them with training best suited to prisons services.

3. Evaluate and improve on prison services, in conformity with Article 23 G 3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.

C. PUBLIC PROSECUTION DEPARTMENT.

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.

2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.

3. Seek technical cooperation for the Public Prosecution Department.

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ection 2: **State Security Services.**

rticle 2: **Structure.**

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

rticle 3: **Principles.**

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).
3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.
4. They must respect the civic rights of citizens as well as fundamental freedoms.
5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan

spirit and must act with absolute impartiality and neutrality vis-a-vis political parties.

rticle 4: Coordination of Intelligence Services.

An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart indicating the coordination of all these Services is attached to the Protocol as an Annex.

The Broad-based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country.

rticle 5: Participation of the Rwandese Patriotic Front in the State Security Services.

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

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HAPTER II: MISCELLANEOUS PROVISIONS.

Article 6: Oath of Office by the President of the Republic.

Without prejudice to Articles 3, 5 and 6 of the Protocol of Agreement of 30th October, 1992, the President of the Republic, before taking Office, shall take oath before the Constitutional Court, in the following words:

"I, ..., in the Name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, remain loyal to the Republic of Rwanda, respect the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws."

rticle 7: Oath of Office of the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly.

Before taking up Office, the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly shall take oath, in the following words:

"I,........., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, respect the Head of State, the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws."

The Prime Minister, Ministers, and Secretaries of State shall take oath before the President of the Republic, and the Transitional National Assembly.

Deputies of the Transitional National Assembly shall take oath before the President of the Republic of Rwanda, in the presence of the Presiding Judge of the Constitutional Court.

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In the event of the inability of the President of the Republic of Rwanda to perform this function, the personalities listed above shall take oath before the Presiding Judge of the Constitutional Court.

Article 8: Oath of Office of the Presiding Judge and Deputy Presiding Judges of the Supreme Court.

Before taking Office, the Presiding Judge and Deputy Presiding Judges of the Suprement Court shall take oath of Office in the following words:

"I,........, in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, to respect the Head of State as well as the State Institutions and promote the interests of the Rwandese people in accordance with the Fundamental Law and other laws".

The Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take the oath of Office before the President of the Republic of Rwanda in the presence of the Transitional National Assembly. In the event of inability of the President of the Republic to perform this function, the above personnalities shall take oath before the Speaker of the Transitional National Assembly.

Article 9: Chairmanship of the first Session of the Transitional National Assembly.

The first Session of the Transitional National Assembly shall be chaired by the President of the Republic. In the event of the latter's inability to perform the function, it shall be chaired by the Presiding Judge of the Constitutional Court.

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rticle 10: Removal of a Deputy of the Transitional National Assembly.

A Deputy of the Transitional National Assembly shall be removed by the Supreme Court which shall, in turn, inform the Transitional National Assembly and the Broad-Based Transitional Government.

rticle 11: Violation of the Fundamental Law by the President of the Republic.

In the event of violation of the Fundamental Law by the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 2/3 majority vote of the members present and by secret ballot.

However, prior to voting on the indictment, the Transitional National Assembly shall consult the Joint Political Military Commission (JPMC) referred to in Article IV of the Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha on 12th July, 1992. It may also consult the Facilitator. In case the indictment is confirmed to be appropriate, the President is answerable to the Constitutional Court which alone is competent to decide on his immediate resignation.

rticle 12: Violation of the Fundamental Law by the Prime Minister, Ministers and Secretaries of State.

In the event of violation of the Fundamental Law as outlined in the Peace Agreement, by the Prime Minister, a Minister or a Secretary of State, the procedure provided for in Articles 78 and 79 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall apply.

rticle 13: Voluntary Resignation of the President of the Republic.

The President of the Republic may, for personal reasons, resign from Office. his resignation shall be accepted by the Transitional National Assembly. In

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this case, his replacement shall be effected, in accordance with Articles 47 to 50 of the Protocol of Agreement on Power-Sharing agreed on 9th January, 1993.

rticle 14: Resignation of the Prime Minister, Ministers and Secretaries of State.

The Prime Minister, a Minister or Secretary of State may for personal reasons, tender his/her resignation. That resignation shall become definitive if not withdrawn within eight (8) days.

The Prime Minister shall tender his/her resignation to the President of the Republic. In this case, Article 53 of the Protocol of Agreement on Power-Sharing, signed on 9th January, 1993 shall apply.

The Minister or Secretary of State shall tender his/her resignation to the President of the Republic and shall inform the Prime Minister accordingly. In this case, Article 54 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall apply.

In either situation, Orders of resignation shall be signed by the President of the Republic, in accordance with the modalities provided for in Article 9 of the Protocol of 30th October, 1992.

rticle 15: Ratification of International Instruments on Human Rights.

The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.

rticle 16: Deletion of reference to Ethnic Group in Official Documents.

The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.

rticle 17: Public Freedoms and Fundamental Rights.

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

rticle 18: Authentic Interpretation of the Peace Agreement

It shall be the duty of the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.

The Transitional National Assembly shall consult the Joint Political -Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as ammended at Gbadolite 16th September, 1991 and at Arusha 12th July, 1992.

It may consult the Facilitator or any another person it deems competent.

In this regard, the Transitional National Assembly shall take a decision on the basis of a 3/5 majority vote of its the members.

rticle 19: Ammendment of the Peace Agreement.

Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.

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Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.

Where the proposal emanates from the Deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.

rticle 20: Confirmation of Orders in Council by the Transitional National Assembly.

Orders in Council by the Cabinet must be adopted by the Transitional National Assembly during its forthcoming session, otherwise they shall lose their binding force.

rticle 21: Jurisdiction, Organization and Functioning of the Supreme Council of Magistracy

An organic law shall determine the Jurisdiction, organization and functioning of the Supreme Council of Magistrates.

rticle 22: Duration of the Transition Period

The duration of the Transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall consider the need for an extension , three (3) months before the expiry of the Transition period, and shall make appropriate recommendations to the Transitional National Assembly, in

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consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.

one at Arusha, on the third day of the month of August 1993, in both French and nglish Languages, the original text being in French.

For the Government of the Republic of
Rwanda

Dr. GASANA Anastase
Minister of Foreign Affairs and
Cooperation

For the Rwandese Patriotic Front

BIZIMUNGU Pasteur
Member of the Executive Committee and
Commissioner for Information and
Documentation

In the presence of the representative of the Facilitator

(The United Republic of Tanzania)

Joseph C. **RWEGASIRA**
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of the Secretary General of the OAU

H.E. Dr. M.T. **MAPURANGA**
Assistant Secretary General in charge of Political Affairs

Annexe

DIAGRAMME DE LA COORDINATION DES RENSEIGNEMENTS RELATIFS A LA SURETE DE L'ETAT.